Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No. _____

IN THE SUPREME

COURT OF THE UNITED STATES

OCTOBER TERM, 1994

DONALD LEIF ROKKE,

Petitioner

vs.

BILLIE GRACE ROKKE,

Respondent

PETITION FOR WRIT OF CERTIORARI

TO THE WASHINGTON STATE SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

DONALD LEIF ROKKE

221 S.W. 153RD STREET, #110

SEATTLE, WASHINGTON 98166

(206) 409 1913

QUESTIONS PRESENTED

1. Did the Washington State Appellate Court Orders denying Petitioner's Petition for Discretionary Review violate Petitioner's Amendment XIV U.S. Constitutional Rights to Due Process and Equal Protection of the Laws?

2. Did the Washington State Appellate Court Orders denying Petitioner's Petition for Discretionary Review occur under the umbrella of Washington Court Rules, Laws superior to the Washington State Statutes, which were Unconstitutional and therefore Unlawful by virtue of the fact that said Court Rules were synthesized, augmented, diminished, and amended by the Washington State Judicial Department, not the Legislature, in violation of the U.S. Constitution's requirements that the Separation of Powers be preserved at all levels of government?

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THE COURT

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1994

DONALD LEIF ROKKE,

Petitioner

vs.

BILLIE GRACE ROKKE,

Respondent

. Petitioner, DONALD LEIF ROKKE, respectfully prays that a writ of certiorari issue to review the Rulings and Orders of the Washington State Supreme Court which:

. 1. Denied Petitioner's

Petition for Discretionary Review in violation of Petitioner's Amendment XIV of the U.S. Constitution Rights to Due Process and Equal Protection of the Laws.

2. Denied Petitioner's Petition for Discretionary Review under the umbrella of Washington Court Rules which were Unconstitutional and therefore Unlawful by virtue of the fact that the Washington State Judicial Department, instead of the Legislature, synthesized, augmented, diminished, and amended these Rules, which these Rules declare to be laws superior to Washington State Statutes, in violation of the U.S. Constitution's requirement that the Separation of Powers be maintained at all levels of government.

OPINIONS BELOW

. The unpublished Rulings and Orders of the Washington State Appellate Courts, which are the subject of this Petition for Writ of Certiorari, are included as Appendix 1 thru 14 of this Petition.

JURISDICTION

. The Washington State Supreme Court Order issued in this matter was dated the 6th day of July 1994. A timely Notice of Appeal to the United States Supreme Court was filed by Petitioner. This Court's jurisdiction is invoked under Title 28, U.S.C. pp 2403(b).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

. ARTICLE I Section 1 of the U.S. Constitution is set forth in Appendix 15.

. ARTICLE II Section 1 of the U.S. Constitution is set forth in Appendix 16.

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. Washington Court Rules, RAP RULE 1.1. SCOPE OF RULES is set forth in Appendix 21.

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. Togliatti v. Robertson, 29 Wn.2d 844 (1948) (Summary) is set forth in Appendix 30

. RCW 26.16.140 Earnings and accumulations of husband and wife living apart, minor children is set forth in Appendix 31

. Washington Court Rules, Superior Court Civil Rules, Rule 60. RELIEF FROM JUDGMENT OR ORDER is set forth in Appendix 32 .

STATEMENT OF THE CASE

. The Washington State Supreme Court had jurisdiction pursuant to Title 28, U.S.C. pp 2403(b).

. 1. During the 1988 processing of this divorce Respondent's attorney was involved in a conspiracy to extort an inequitable settlement of this divorce's assets in favor of Respondent. Respondent's attorney, one Alan M. Singer, collaborated with Petitioner's attorney at the time, one J. Porter Kelly, to criminally compromise Petitioner's asset share from this divorce.

1.1 Upon grant of this Petition for Writ of Certiori refer to the Statement of the Case Section of Petitiner's July 6, 1992 filed Appeal Brief; related April 22, 1992 filed Designation of Clerk's Papers; May 6, 1992 filed Narrative and Verbatim Report of proceedings plus August 9, 1992 filed Motion to Allow Direct Submittal to Court of Appeals of additional Tortionary Death Threat and Appellant's Death Threat Anxiety Syndrom Evidence for very specific and hard evidence supported chronology of how the aforementioned extortionary activities were carried out by the aforementioned attorneys. These extortion activities took the form of criminal death threats against Petitioner, uttered in the presence of several witnesses, by Respondent's unstable attorney. In

addition, Petitioner's attorney extorted the inequitable Decree of Dissolution from Petitioner by:

. 1.1.1

Withholding of critical evidence from Petitioner,

1.1.2

Withholding effective support of and representation by Petitioner's attorney from Petitioner,

. 1.1.3

Exceeding the Scope of Petitioner's ex-attorney's written contract in a manner that seriously compromised Petitioner's case.

. 1.1.4

Verbalizing economic extortion, entrapment, and related threats which

resulted in the extortion of Petitioner's post-separation, pre-divorce, assets with criminal transfer of same to Respondent.

. 1.1.5 Other criminal and unethical activities on the part of Petitioner's former attorney.

. 1.2 During the processing of the appeal a Motion for Discretionary Review by the Washington State Supreme Court was sought by Petitioner regarding two of Division I, Washington State Court of Appeals Commissioner Ellis's, less than perfect, Interlocutory Rulings. An element of that litigation was a Request for Attorney's Fees sponsored by Respondent's attorney. The Washington State Supreme Court Commissioner, Jeffrey Crooks, denied Petitioner's

Motion for Discretionary Review in a January 22, 1993 Ruling. Petitioner submitted a Motion to Modify Commissioner Crooks' ruling on February 1, 1993. On March 31, 1993 a Panel of Washington State Supreme Court Judges issued an Order denying Petitioner's Motion to Modify Commissioner Crook's January 22, 1993 Ruling. That Washington State Supreme Court Order also denied Respondent's Request for award of all attorney's fees accrued up to March 31, 1993. See Appendix 14 for a copy of that March 31, Washington State Supreme Court Panel of Judges precedence setting Order. That Washington State Supreme Court Order's denial of Respondent's Request for Award of Attorney's Fees was based on Respondent's attorney's criminal involvment in the initiation of and ongoing activities perpetuating this

litigation. An attorney should not be allowed to profit via use and abuse of the Court's as perpetrated by Respondent's attorney's criminal activities.

1.3 On June 15, 1993 Respondent's attorney filed with the Court and mailed to Petitioner Respondent's attorney's AFFIDAVIT FOR ATTORNEY'S FEES. The requested attorney's fees were identified in Exhibit 3 of Petitioner's Motion for Discretionary Review filed with the Supreme Court of the State of Washington

1.4 On July 2, 1993 Washington State Appeals Court Commissioner Ellis issued a Memorandum Ruling granting Respondent's Motion on the Merits to Affirm Trial Court Rulings and awarding Respondent's Motion for

attorney's fees.

1.5 On July 12, 1993 Petitioner filed, with the Court of Appeals, Petitioner's Motion to Modify Commissioner Ellis's July 2, 1993 Memorandum Ruling. That Motion to Modify objected in detail to the content of Commissioner Ellis's July 2, 1993 Memorandum Ruling as well as to the erroneous and criminal content of Respondent's Attorney's Fees Affidavit. That Motion to Modify has been denied by a Panel of Court of Appeals Judges January 27, 1994 Order. Petitioner's Motion to Modify protested serious errors of law and fact that were maliciously and intentionally erroneously, with gross abuse of discretion, embodied in Commissioner Ellis's Memorandum Ruling. That Ruling also contained many other serious errors

of fact and law. In Petitioner's Motion to Modify the Appeals Court Commisssioner's award of Respondent's request for Attorney fees was contested by Petitioner in line by line detail. Respondent's Affidavit for Attorney's Fees is a classical example of the Criminal activity habitually indulged in by Respondent's attorney. This bogus billing Affidavit contained, among other things, :

. 1.5.1 A request for attorney's fees for Respondent's attorney's activities related to U.S. Federal Court litigation which is outside the scope of this appeal.

. 1.5.2 A request for attorney's fees for Respondent's attorney's activities

related to other Washington State Court litigation that was outside the scope of this appeal.

. 1.5.3 Highly suspect ganged billing line items which were conglomerated by Respondent's attorney to make it impossible for an auditor to rationally evaluate same. This is a standard attorney's ruse implemented to avoid possible criminal consequences from their bogus billing/overbilling activities.

. 1.5.4 Billings for unnecessary activities that were not required to litigate this appeal.

. 1.5.5 Many of Respondent's Attorney's Affidavit for Attorney's Fees line items were

previously paid by Respondent in King County Superior Court Family Law Court via properly recorded, filed and served assignment of a portion of another asset awarded Petitioner in the original December 28, 1988 Decree of Dissolution Judgment.

. The Appeals Court's Judges January 27, 1994 Order denying this July 12, 1993 Motion to Modify is an element of the Washington Sate Supreme Court's July 6, 1994 Order denying Petitioner's Motion for Discretionary Review which is one subject of this Petition for Writ of Certiorari.

. 1.6 On July 22, 1993 Appeals Court Commissioner Mary Ellen Hudgins issued a Notation Ruling Requiring , via her Unconstitutional Ad Hoc Notation Ruling generated Court

Rule/Law, that Petitioner reduce the length of Petitioner's Motion to Modify Commissioner Ellis's July 2, 1993 Memorandum Ruling to no more than ten pages in length. See Appendix 3 for a copy of that July 22, 1993 Unconstitutional and therefore Unlawful Ad Hoc Court Rule/Law making Commissioner's Ruling.

1.7 On July 29, 1993 Petitioner filed with the Court of Appeals a Motion to Modify Commissioner Hudgins July 22, 1993 Notation Ruling. Denial of this July 29, 1993 filed Motion to Modify is one element of the January 27, 1994 Division I, Court of Appeals Judge's Order which is one subject of the Motion for Discretionary Review the Washingtn State Supreme Court's Order denial of which is the subject of this Petition for Writ of

Certiorari.

1.8 On August 5, 1993 Petitioner filed with the Court of Appeals Petitioner's Motion to Modify Commissioner Ellis's July 2, 1993 Memorandum Ruling reconfigured to comply with Commissioner Hudgins arbitrary ten page limit. Denial of this August 5, 1993 Motion to Modify is one element of the January 27, 1994 Division I, Court of Appeals Order which is one subject of the Washington State Supreme Court Order denied Motion for Discretiorary Review which is the subject of this Petition for Writ of Certiorari.

1.9 On December 21, 1993 Commissioner Ellis issued a redundant second COMMISSIONER'S RULING AWARDING ATTORNEY FEES. In that Redundant Ruling the Commissioner

erroneously alleged that Petitioner had failed to object to Respondent's Attorney Fee Affidavit. Petitioner, on August 5, 1993, filed with the Court of Appeals Petitioner's Motion to Modify Commissioner Ellis's July 2, 1993 Memorandum Ruling which, in Paragraph 4.2.1.15 on page 10 of that pleading, objected to Respondent's Affidavit for Attorney's Fees. See Case file and Paragraph 1.8 above.

1.10 On December 29, 1993 Petitioner filed a Motion to Modify Commissioner Ellis's December 21, 1993 Ruling awarding attorney's fees to Respondent. The Appeal Court Judge's Order denying Petitioner's December 29, 1993 Motion to Modify is one element of the Washington State Supreme Court Order which denied Petitioner's Motion for Discretiorary Review that constitutes

the basis for this Petition for Writ of Certiorari.

. 1.11 Three Motions to Modify Appeal Court Commissioner's Rulings are denied by the January 27, 1994 Division I, Court of Appeals Order. That Order is one subject of the Motion for Discretionary Review which was denied by the Washington State Supreme Court's July 6, 1994 Order which constitutes the basis for this Petition for Writ of Certiorari.

REASON FOR GRANTING THE WRIT

. Petitioner's Petition for Writ of Certiorari should be granted for two reasons: This Petition presents an issue resolved by implication by this Court but not specifically and

unequivocally decided by this Court; and the Opinion below conflicts, by implication, with previous decisions of the Courts.

I. First we shall consider the issue of whether the Appellate Court's were justified in denying Petitioner's July 12, 1993 filed and August 5, 1993 refiled Motion to Modify Court of Appeals Commissioner's Rulings: Granting Respondent's Motion on the Merits to Affirm and Granting Respondent's Motion and Affidavit for Attorney's Fees per RAP 18.1(e).

I.1 Petitioner claims that there were gross irregularities, abuses of discretion, and abuses of judicial privilage involved in the June 25, 1993 Hearing on the Merits to Affirm the Trial Court's Ruling which prevented

Petitioner from having a fair hearing.

Commissioner Ellis stated in his July 2, 1993 Memorandum Ruling that the contested Decree of Dissolution was fair on its face. This was completely untrue because both Respondent's pleadings initiating the Divorce, the Petition for Dissolution of Marriage (See Appendix 34), as well as the December 1988 Divorce Decree of Dissolution (See Appendix 35) identified 1971 as this couple's mutually agreed official separation date. A majority of the assets extorted in the Decree of Dissolution were the after acquired separate property of Petitioner. This position is supported by case made law: Togliatti v. Robertson, 29 Wn.2d 844 (1948) (See Appendix 30 for Summary) as well as Washington State Statutory Law: "RCW 26.16.140 Earnings and

accumulations of husband and wife living apart, minor children" (See Appendix 31). This amounted to over $500,000 in Petitioner's separately acquired assets which were misappropriated by the Criminally extorted Decree of Dissolution. See Appendix 33 for a listing of those $500,000 (+) Petitioner's separately acquired assets which were misappropriated by the criminally extorted Decree of Dissolution. All of Petitioner's Martin Marietta Retirement Rights were Petitioner's separately acquired property having been accrued via employment at Martin Marietta between 1980 and 1988. Long after the mutually agreed 1971 Separation date many other of Petitioner's separately acquired assets were criminally extorted and misappropriated by the December 1988 Decree of Dissolution. These facts

prove that Commissioner Ellis's July 2, 1993 Memorandum Ruling granting Respondent's Motion on the Merits to Affirm Rulings of the Lower Court and Awarding Attorney's fees violated Petitioner's Amendment XIV U.S. Constitution guaranteed Rights to Due Process and Equal Protection of the Laws.

I.2 Petitioner claims that Respondent's attorney was guilty of gross misconduct in preparing his unlawful, by virtue of the fact that it was undated (June 1993 Postmarked), Motion on the Merits to Affirm Rulings of the Lower Court and during the June 25, 1993 Hearing. In those actions said attorney's intentional and with malice aforethought misstatement the facts of the case was an obvious attempt to mislead the Commissioner, diminish Petitioner's

case and disingenuiously enhance Respondent's posture in this litigation. These acts of intrinsic fraud on Respondent's attorney's part contributed to inducing Commissioner Ellis to issue his seriously flawed Ruling. That Ruling quotes many of Respondent's attorney's misstatements of fact and law alleged to pertain to this case. These acts of intrinsic fraud on the part of Respondent's attorney and Commissioner Ellis use of same in his Memorandum Ruling violated Petitioner's Amendment XIV U.S. Constitution guaranteed Rights to Due Process and Equal Protection of the Laws.

I.3 Petitioner was subjected to surprise by Respondent's June 25, 1993 arguments to the Commissioner during that dates hearing. This surprise occurred because Respondent

failed to file an Appeal Brief, a Hearing Brief or any other such document which would have given Appellant a fair opportunity to adequately prepare for the June 25, 1993 Hearing of the Motion to Affirm Rulings of the Lower Court. By the same token the Commissioner's insistance that the June 25, 1993 Hearing proceed even though the Appeals Court Judges had not had an opportunity to act on Petitioner's Motion to Modify the Appeals Court Clerk/Staff attorney's June 21, 1993 Notation Ruling which denied Petitioner's Motion for an Indefinate Continuance also constituted a surprise which caught Petitioner unprepared to properly present his case at the aforementioned hearing. These circumstances violated Petitioner's Amendment XIV U.S. Constitution guaranteed Rights to Due Process and Equal Protection of the Laws.

I.4 Petitioner claims that the award of attorney fees to the Respondent and other major factors constituted damages to Petitioner so excessive as unmistakably indicating that that Ruling must have been the result of passion or prejudice. This position is fortified by the fact that the Washington State Supreme Court had already set a precidence on the award of attorney's fees to Respondent via denial of Attorney's Fees for Respondent in the Supreme Court's March 31, 1993 Order. That Order took into consideration the fact that the litigation for which Respondent claims attorney fees was spawned by felonious death threat extortion activities of Respondent's attorney. Petitioner claims that there was obvious prejudice on Commissioner Ellis's part against Appellant as a

result of Petitioner's Petition for Writ of Certiorari to the U.S. Supreme Court of a pair of Commissioner Ellis's, less than perfect, 1992 Interlocutory Rulings that were involved in this case.

. I.5 Petitioner claims that there is no evidence or reasonable inference from the evidence to justify the Commissioner's 2nd day of July 1993 Ruling which granted Respondent's Motion on the Merits to Affirm and award of Attorney Fees.

. I.6 Petitioner claims that there were obvious errors of law occurring at the June 25, 1993 Hearing which were objected to by Appellant via the fact that the proceedings violated points of law as identified in the United States Constitution, Washington State Statutes, Common Law, Rules of the

Court, and case made law which were identified in Petitioner's Notice of Appeal, Appeal Brief, and Hearing Brief. Based on the content of those documents Petitioner stated, during the hearing, that he was relying on the content of those documents to prevail. The Appeals Court Commissioner failed to give the aforementioned Petitioner's arguments appropriate, if any, weight in formulating the Commissioner's July 2, 1993 Memorandum Ruling. Petitioner claims that the Commissioner's serious errors in interpreting the facts of this case Violated Petitioner's amendment XIV U.S. Constitution guaranteed Rights to Due Process and Equal Protection of the Laws.

I.7 Petitioner claims that, as a result of the Commissioner's 2nd day of July 1993 Ruling, justice has not been

done.

II. Second we shall consider the issue of the Appellate Court standing in default regarding its failure to issue a decision settling Petitioner's July 29, 1993 filed Motion to Modify Commissioner Hudgins July 22, 1993 Ruling. That Ruling limited Petitioner's Motion to Modify to ten pages. See the Case File for a copy of that Motion to Modify.

II.1 Commissioner Hudgins failed to cite any court rules, precident cases, or statutes to sustain her flawed, arbitrary and capricious

Ruling. Commissioner Hudgins failed to prove that Petitioner's July 12, 1993 filed Motion to Modify was legitimately rejectable by the Court on the grounds that said Motion to Modify exceeded well identified page limits. Thus Commissioner Hudgin's Ruling violated Petitioner's Amendment XIV U.S. Constitution guaranteed Rights to Due Process and Equal Protection of the Laws. This is one reason this Petition for Writ of Certiorari should be granted.

II.2 Petitioner relies on the fact that no page limit was imposed or available in the Court Rules, Statutes or elsewhere that would have fairly and justly notified Petitioner that a ten page or less response requirement existed. Petitioner should have been notified of that ten page

limit before Petitioner invested the considerable resources required to process Appellant's July 12, 1993 filed Motion to Modify Commissioner Ellis's Ruling. This is another reason that this Petition for Writ of Certiorari should be granted.

. II.3 Petitioner relies on the fact that Commissioner Hudgins Ruling was not clear and unambiguious and was therefore unsustainable because the Commissioner's Ruling failed to identify whether the ten page limit, she so arbitrarily placed on Petitioner's Motion to Modify, was to contain:

, II.3.1 Just the Motion to Modify per se or

. II.3.2 The Motion to Modify including the Exhibits but

excluding the Certificates of Service

or

. II.3.3 Everything that comprised the Motion to Modify including it's Exhibits and Certificates of Service

as valid reasons for granting this Petition for Writ of Certiorari.

. II.4 Petitioner relies, as valid Reasons for Granting this Petition for Writ of Certiorari, on the fact that Commissioner Hudgins Ruling, on its face, violates Petitioner's Amendment XIV of the U.S. Constitution guaranteed Right to Due Process and Equal Protection of the Laws.

. II.5 Petitioner relies, as valid Reasons for Granting this Petition

for Writ of Certiorari, on the fact that Commissioner Hudgins Notation Ruling is obviously a gross irregularity and serious abuse of the Commissioner's discretionary prerogatives. The Washington State Court Rules are synthesized by the processes and procedures stipulated in Washington State Court Rules, Rules of General Application, GENERAL RULES, RULE 9. SUPREME COURT RULEMAKING PROCEDURE. (See Appendix 28 for a copy of this Rule.) Commissioner Hudgins July 22, 1993 Notation Ruling is a serious unlawful Irregularity and abuse of Discretion because said Notation Ruling constitutes Ad Hoc Court Rule making which conflicts with the aforementioned GENERAL RULE 9 requirements for the alleged proper processing of Court Rules. This July 22, 1993 Notation Ruling of Commissioner Hudgins

consequently constitutes a serious violation of Petitioner's Amendment XIV U.S. Constitutional Right to Due Process and Equal Protection of the Laws.

II.6 Petitioner relies on the fact that the Court of Appeals stands in Default for having failed to ever issue a Decision settling Petitioner' July 29, 1993 filed Motion to Modify Commissioner Hudgins July 22, 1993 Ruling which Unlawfully and Unconstitutionally limited Petitioner's Motion to Modify Commissioner Ellis's July 2, 1993 Memorandum Ruling to ten pages in length. Petitioner argues that, since that vital issue was never resolved by the Court of Appeals Commissioner Ellis's July 2, 1993 Memorandum Ruling is null and void as was that Commissioner's December 21, 1993 related Ruling Awarding Attorney's

fees. Petitioner argues that said Appeals Court Default on this vital issue violated Petitioner's Amendment XIV U.S. Constitution guaranteed Rights to Due Process and Equal Protection of the Laws.

III. Washington Court Rules "RAP Rule 14.1(a) When allowed." states:"The Appellate court determines costs in all cases after the filing of a decision terminating review, ...". Since there had been no final Appellate Court decision on the Motions to Modify Appeals Court Commissioner's Rulings granting Respondent's Motion on the Merits to Affirm and granting Respondent's attorney's fees there had been no "filing of a decision terminating review". In addition, Petitioner's Motion to Modify Commissioner Hudgins July 22, 1993 page

limiting Ruling has never been acted on by the Court of Appeals which stands in default on this basic issue. For these reasons Commissioner Ellis's December 21, 1993 COMMISSIONER'S RULING AWARDING ATTORNEY FEES was untimely. Said Ruling is also in violation of RAP Rule 14.1(a) which was quoted above. Therefore Commissioner Ellis's December 21, 1993 Ruling Awarding Attorney Fees is unlawful. This is true since it was in violation of court rules governing the issuance of such a Ruling. This error on Commissioner Ellis's part and the attendant unlawfulness of Commissioner Ellis's December 21, 1993 award of attorney fees Ruling constituted adequate Reason for Granting this Petition for Writ of Certiorari.

III.1 In addition, Washington Court Rules "RAP Rule 14.4 (a)

Generally." states: "... a party seeking costs on review must file a cost bill with the appellate court and serve a copy of the cost bill on all parties within 10 days after filing of an appellatle court decision terminating review." Since there has been no final Appellate Court decision on the related Motions to Modify the aforementioned pair of Appeals Court Commissioner's Rulings there has been no "filing of an appellate court decision terminating review". Therefore, any cost bill filed before the Appellate Court has issued Orders deciding the aforementioned Motions to Modify would be untimely. Such early filed Cost Bills would be in violation of Court Rules and therefore unlawful. To Appellant's knowledge Respondent's attorney has not, as of this time, filed an appropriate cost bill with the

Clerk of the Court of Appeals. The fact that it was a violation of Court Rules to file a cost bill at that time and the fact that, to Petitioner's knowledge, no cost bill has ever been filed by Respondent's attorney constitutes adequate Reason for Granting this Petition for Writ of Certiori. Reference the 1993 Washington Court Rules for the cost bill format required by "RAP 14.4; FORM 10. COST BILL".

III.2 Washington Court Rules "RAP Rule 14.5 OBJECTIONS TO COST BILL" states: "A party may object to items in the cost bill of another party by serving on all parties and filing with the appellate court objections to the cost bill within 10 days after service of the cost bill upon the party". Respondent's attorney's June 15, 1993 filed AFFIDAVIT FOR ATTORNEYS' FEES does

not qualify as a Cost Bill by virtue of it's affidavit format and the fact that it was filed in June 1993 which was well before Commissioner Ellis's July 2, 1993 Memorandum Ruling. Since no Cost Bill was filed with the Clerk of the Court of Appeals within 10 days, as required by RAP Rule 14.4 (a), of Comissioner Ellis's July 2, 1993 Memorandum Ruling, if such a Ruling could be generously construed as a "decision terminating review", Respondent's attorney failed to comply with the Rules of the Court. Respondent's attorney has thus defaulted on any rights he may have had to receive award of his costs. By the same token, since Petitioner has never received a copy of Respondent's cost bill Petitioner has never had a RAP Rule 14.4 guaranteed opportunity to properly object to such a cost bill. This is a violation of Petitioner's Amendment XIV

U.S. Constitutional guaranteed Rights to Due Process and Equal Protection of the Laws. These grounds constitute adequate Reson for Granting this Petition for Writ of Certiorari.

IV. Next we should consider the Constitutionality of the Washington Court Rules which acted as an umbrella for the processing of Respondent's Motion on the Merits to Affirm the Decision of the Trial Court and Award of Respondent's Attorney Fees.

IV.1 The Washington State Judicial Department of Government erred by failing to insure that all of Petitioner's Court Proceedings were conducted under Washington Court Rules that were synthesized, augmented, diminished, and amended in keeping with the Separation of Powers Requirements of

the United States Constitution. The Separation of Powers Requirements for the United States, and correspondingly for the individual states, are identified in ARTICLE I Section 1; ARTICLE II Section 1; ARTICLE III Section 1; and ARTICLE VI Paragraph [2] of the United States Constitution. See Appendices 15 thru 18 for copies of these U.S. Constitution elements.

IV.2 A typical Court Rule that on it's face violates the U.S. Constitution's separation of powers requirement is found in the 1993 WASHINGTON COURT RULES which states:

"RULES OF APPELLATE PROCEDURE,
TITLE 1. SCOPE AND PURPOSE OF RULES,
RULE 1.1. SCOPE OF RULES,

(g) Superseding Effect of

Rules. These rules supersede all statutes and rules covering procedure in the Supreme Court and the Court of Appeals, unless one of these rules specifically indicates to the contrary." See Appendix 21 for a copy of this Rule.

This Rule unconstitutionally and self servingly sets these WASHINGTON COURT RULES above the will of the People as expressed by the Statutory Laws passed by the State Legislature. Such Rule (Law) making, which supersedes all statutes, by the Washington State Judicial Department violates the U.S. Constitutional imperative that the Separation of Powers be preserved at all levels of government. The Washington State Judicial Department is required to refrain from impinging on the Legislature's Law making

prerogative.

IV.3 For another such unconstitutional Washington Court Rule refer to:

1993 WASHINGTON COURT RULES,
PART I RULES OF GENERAL APPLICATION,
Rule 9. SUPREME COURT RULEMAKING PROCEDURES.

The following elements of Rule 9, in conjunction with Rule 1.1 SCOPE OF RULES (g) mentioned above, specifically indicate that the Washington State Supreme Court, in making Washington Court Rules, is routinely involved in making laws superior to this states statutes:

"(g) Final Adoption, Publication, and Effective Date. After the Comment period, the Supreme Court

will adopt, amend, or reject a proposed rule or take such other action as the court deems appropriate.

.....

. All adopted rules shall become effective the first day of September unless an emergency as determined by the Supreme Court Necessitates a different effective date.

. (i) Miscellaneous provisions. This rule is effective on March 19, 1982, and applies to all proposed rules changes not adopted by the Supreme Court by that date. The Supreme Court, in its discretion, may adopt, amend, or rescind a rule without following the procedures set forth in this rule."

See Appendix 28 for a copy of this Rule.

. This procedure clearly violates the Separation of Powers

Requirements imposed by the United States Constitution.

When this Rule is considered in conjunction with the Court Rule discussed in Paragraph IV.2 above it is obvious that this procedure is without a doubt Rule making, Law making superior to the Washington State Statutes, by the Washington State Judicial Department. Such Rule/Law making by the Washington State Supreme Court is clearly and unambiguiously unconstitutional. Such procedures by the Washington State Supreme Court, without question, usurpes the Law Making Charter of the Washington State Legislature. In doing so the Washington State Supreme Court unequivocally violates the U.S. Constitutions requirements that Separation of Powers be maintained at all levels of government. The Judiciary

are not to make Laws since this is the responsibility of the Legislative Department. See ARTICLE III Section 1 & ARTICLE VI Section 3. Paragraph [2] of the U.S. Constitution (Ref. Appendix 17 & 18).

. The Judiciary are not to perform acts which fall within the charter of the Executive Department. See ARTICLE II Section 1. [1] of the U.S. Constitution (Ref. Appendix 16). The responsibility of the Judiciary is to interpret and apply the laws. The Legislature is to make the Laws. See ARTICLE VI Section 3. [2] of the U.S. Constitution (Ref. Appendix 18). Law enforcement is the responsibility of the Executive Department of government. The Separation of Powers Requirements embodied in the U.S. Constituion recognizes that tyranny can result when

the Judicial Department assumes the role of Lawmaker as it has in Washington State in the formulation by the Judiciary of the Washington Court Rules/Laws.

IV.4 Many other proofs are available in support of Petitioner's contention that the WASHINGTON COURT RULES are unlawful because they were synthesized, augmented, diminished, and amended in violation of the U.S. Constitution's requirements that the Separation of Powers be mainatined at all levels of government. These additional proofs are contained in Appendix 6 of Petitioner's Motion to Recall Mandate, the Mandate dated by the Court of Appeals on the 21st day of July 1994, which Petitioner filed with the Clerk of the Washington State Division I, Court of Appeals on August 1, 1994.

That additional proof revolves around the following Washington Court Rules which clearly and unambiguiously substantiate Petitioner's allegation that Washington Court Rules are Unconstitutional and therefore unlawful:

. A. Washington Court Rules, RAP RULE 1.1. SCOPE OF RULES is set forth in Appendix 21.

. B. Washington Court Rules, RAP RULE 13.5 DISCRETIONARY REVIEW OF INTERLOCUTORY DECISION (b) Consideration Governing Acceptance of Review is set forth in Appendix 22.

. C. Washington Court Rules, COURTS OF LIMITED JURISDICTION, TRAFFIC INFRACTION RULES, TITLE 1. GENERAL PROVISIONS, RULE 1.3 LOCAL COURT RULES Paragraph (a), (b), & (c) is set forth

in Appendix 23.

. D. Washington Court Rules, RULES OF GENERAL APPLICATION, GENERAL RULES, RULE 7. LOCAL RULES-FILING AND EFFECTIVE DATE Paragraphs (a), (b), ... (d), (e)(1)(2) is set forth in Appendix 24.

. E. Washington Court Rules, SUPERIOR COURT MENTAL PROCEEDINGS RULES (MPR)L, INTRODUCTION is set forth in Appendix 25.

. F. Washington Court Rules, PART I RULES OF GENERAL APPLICATION, RULE 9. SUPREME COURT RULEMAKING PROCEDURES (g)(i) is set forth in Appendix 28.

. Washington Court Rules that are Unconstitutional on their face because they violate the Due Process and Equal

Protection of the Laws requirements of Amendment XIV of the U.S. Constitution are:

. A. Washington Court Rules, RULES OF APPELLATE PROCEDURE, RULES ON APPEAL, TITLE 18. SUPPLEMENTAL PROVISIONS, RULE 18.14 MOTION ON THE MERITS (e)(1) is set forth is Appendix 26.

. B. Washington Court Rules, RULES OF APPELLATE PROCEDURE, RULES ON APPEAL, TITLE 9 RECORD ON REVIEW, RULES 9.5 FILING AND SERVICE OF REPORT OF PROCEEDINGS-OBJECTIONS (a)(c) is set forth in Appendix 27.

. In addition, Petitioner's 21st day of July 1994 Court of Appeals filed Motion to Recall Mandate -

Appendix 6 contained many examples of Ad Hoc Court Rule/Law making as perpetrated by Appellate Court Commissioners and Clerk/Staff Attorney. (See Case File.)

IV.5 Another absolutely positive and irrefutable proof of the Unconstitutionality and therefore the Unlawfullness of the WASHINGTON COURT RULES appears in Appendix 29. This is a page by page and rule by rule tabulation of the Rule "effectiveness dates" listed in the 1993 WASHINGTON COURT RULES. This evidence indicates, as noted in the Court Rules, the dates these Rules were synthesized, augmented, diminished, and/or amended. The right hand column in this tabulation is a statement as to whether the Washington State Legislature was in session on the date each of these rules were constituted or changed. YES or NO in this column indicates if the

Legislature was in session and, if so, had an opportunity to approve each indicated Rule change. These "Legislature in session" dates were listed on pages 229 and 230 of the WASHINGTON STATE YEARBOOK. See Appendix 6 Exhibit 4 Pages 1 and 2 of Petitioner's July 21, 1994 Court of Appeals filed Motion to Recall Mandate (See Case File) for copies of these Washington State Yearbook Legislature in Session dates tabulation pages.

. IV.5.1 Included in the Appendix 29 Tabulation are primarily the Court Rules that had a relevant bearing on Petitioner's cause of action in this case. Irrelevant section of the Washington Court Rules were excluded from this Tabulation.

. IV.5.2 There were 561

Rules listed in Appendix 29. Of these only 19 had an effective date that corresponded to a date that the Washington State Legislature was in session and hence could have had an opportunity to approve same. These were indicated by a "YES" in the right hand column of Appendix 29. Of these 19 "YES" notations two dealt with Table of Content, one with Holidays, one dealt with Audits, two dealt with Judicial Officer Examination Committee Rules, one dealt with Supreme Court Rulemaking (the effective date of which was approved by the Supreme Court and just coincidentally agreed with a date during which the Legislature was in session), one was a Rule governing Supreme Court Sessions, three dealt with Transfer of Judges and Cases - Judges Pro Temporare, one identified a Rule that had been Unconstitutionally Rescinded by the

Washington State Supreme Court in violation of the U.S. Constitution's Separation of Powers Requirements, one dealt with Deposition, one dealt with Taking of Testimony, one dealt with Court Reporters, one dealt with Venue, and the last dealt with Witnesses. None of these 19 "YES" designated Rules came into primary play during the processing of Petitioner's efforts to prevent or reverse the Washington State Appellate Court's Granting of Respondent's Motion on the Merits to Affirm Rulings of the Trial Court and Award of Attorneys fees thru the Washington State Appellate Court system. These 19 "YES" indicated Court Rules constitute a set of Washington Court Rules which had the possibility of being, but were not, approved by the Legislature by virtue of the fact that the Legislature was in session at the time the Washington Court

Rule initiating or modifying actions occurred.

IV.5.3 So, since only 19 of these Rules were modified in some manner during the time the Legislature happened to be in session and could have conceivably approved same there is at most only 3.4% probability that the Washington Court Rules could be considered as being in compliance with the U.S. Constitutions Separation of Powers Requirements. Probability of Separation of Powers Compliance by Washington Court Rules = 19/561 x 100 = 3.4%.

IV.5.4 Major blocks of the WASHINGTON COURT RULES are clearly and unambiguiously Unconstitutional and therefore Unlawful by virtue of the fact that 100% of those Court Rules were enacted or changed during the time the Legislature was not

in session. Therefore the Legislature could not have possibly approved these Rules/Laws as required by the U.S. Constitution's Separation of Powers Requirements. Those Major Blocks of Court Rules that are 100% Unconstitutional and therefore Unlawful are:

. A. Supplemental Court of Appeals Administrative Rules.

. B. Superior Court Administrative Rules.

. C. Superior Court Special Proceedings Rules.

. D. Superior Court Mental Proceedings Rules.

. E. Local Rules of the Superior Court for King County.

. IV.5.5. As a consequence of these Unconstitutional and therefore Unlawful WASHINGTON COURT RULES the Washington State Judicial

Department has been, for several decades, unlawfully deciding all civil, criminal, and mental commitment cases that have come before its functioning Courts. This is true from the Washington State Supreme Court down to the lowest level Municipal Courts and/or possibly Justice of the Peace venues.

. IV.5.6 On page "V" of the Federal Rules of Civil-Appellate Procedure it says:

. "AUTHORITY FOR PROMULGATION OF RULES

. Paragraph 2072. Rules for Civil Procedure

(Third Paragraph)

. Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of

ninety days after they have been thus reported."

. The Preface (Page VII) of the 1993 California Rules of the Court states in part:

. "Federal Volume Changes

. The Federal volume contains amendments to the Federal Rules of Appellate Procedure that will be effective December 1, 1993, absent contrary Congressional Action, ..."

. Both of the aformentioned pair of Court Rule Quotes indicate that the Federal Courts Rule/Law making processes avoid violation of the Separation of Powers requirements of the U.S. Constitution by giving Congress the final Right to Approve, Diaprove, or Modify the Federal Court Proposed Rules/Laws before they go into effect.

. Nowhere in the Washington Court Rules/Law making procedures are

the Washington Judicial Department made Court Rules/Laws presented to the Washington State Legislature for review and approval before those Washington Court Rules/Laws become effective.

This is proof that Washington Court Rules are Unconstitutional and therefore Unlawful.

IV.5.7 In the Washington State Supreme Court's Chief Justice James A. Andersen's January 12, 1994 historic, first ever, STATE OF THE JUDICIARY address to a joint session of the Washington State Senate and House of Representatives the Chief Justice stated:

"... James Madison, a principal author of the Constitution of the United States, expressed it more eloquently when he wrote this:

""The accumulation of all powers, legislative, executive, and

judicial, in the same hands, whether of one, a few, or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny.""

. Part of your job and mine is to preserve open government and prevent the tyranny our forbearers sought to eliminate by recognizing, as well as biding by, the Separation of Powers and responsibilities entrusted to each of us by the people."

. Petitioner has filed with the Washington State Appellate Courts clear and unambiguious proof that the States Judicial Department has, by formulating, interpreting, and enforcing Washington Court Rules/Laws, consistently acted tyrannical by concentrating the functions and powers of the Legislative, Judicial, and Executive powers of government in the Washington State

Judicial Department. This constitutes the grossest possible violation of Petitioner's and all other Washington State civil, criminal, and mental proceedings litigant's U.S. Constitutional Rights to Due Process and Equal Protection of the Laws which are guaranteed by Amendment XIV of the U.S. Constitution.

So the Washington State Judicial Department is well aware that the Courts synthesis, augmentation, diminishment, and amendment of Washington Court Rules/Laws without submitting same to the Legislature for review, as the Washington State Judicial Department now functions, is in direct violation of the Separation of Powers requirements of the U.S. Constitution.

IV.5.8 Definately the Washington State Appellate Court Rulings and Orders identified in the first

thirteen Appendices to this Petition for Writ of Certiorari were Unconstitutional and therefore Unlawful by virtue of the fact that they were processed and/or handed down under the umbrella of the Unconstitutional and Unlawful WASHINGTON COURT RULES. Petitioner demands that this Petition for Writ of Certiori be granted by the U.S. Supreme Court to correct these massive miscarriages of justice.

CONCLUSION

. For the "REASONS FOR GRANTING WRIT" set forth above and because the issues addressed in this Petition involve Macro Issues of Substantial Public Interest, a Writ of Certiorari should issue to review the Rulings and Orders of Washington State Appeals Court and the Washington State Supreme Court in this matter. Please see Footnote 1. below.

Dated: 10 October 1994 Respectfully submitted,

Donald Leif Rokke, Pro Se

DONALD LEIF ROKKE,
Pro Se, Attorney
for Petitioner

Footnote: 1. If this Court elects not to address the issues presented in this writ at the present time, it is requested that the writ issue and that the matter be remanded to the Washington State Supreme Court for redetermination in light of the Macro Public Interest Issues involved in this case and the arguments contained in the REASONS FOR GRANTING THE WRIT Section of this Petition.

No. _____

IN THE SUPREME

COURT OF THE UNITED STATES

OCTOBER TERM, 1994

DONALD LEIF ROKKE,

Petitioner,

VS.

BILLIE GRACE ROKKE,

Respondent.

PETITION FOR WRIT OF CERTIORARI

TO THE WASHINGTON STATE SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

APPENDIX

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The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

July 2, 1993

Mr. Donald L. Rokke	Mr. Alan M. Singer
Pro Se	Attorney at Law
221 S.W. 153rd Street	16400 Southcenter
Suite #110	Parkway, Suite #4
Seattle, WA 98166	Seattle, WA 98188

Dear Counsel and Mr. Rokke:

Re: No. 30135-7-I, In Re the

Marriage of Rokke

King County Cause No.

88-3-04007-7

Enclosed please find a copy of the Commissioner's Ruling entered in the above-referenced case today. "A ruling or decision granting a motion on the merits is subject to review as provided in rule 17.7." RAP 18.14(i). RAP 17.7 provides that a "motion to modify the ruling must be served ... and filed in the appellate court not later than 10 days after the ruling is filed."

. Please be aware that "failure to file a motion to modify terminates appellate review." (Emphasis added.) State v. Rolax, 104 Wn.2d 129, 135-36, 702 P.2d 1185 (1985).

Sincerly,

(Signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

AN/mlm

Enclosure

cc: The Honorable Jim Bates

King County Superior Court

King County Courthouse

Seattle, WA 98104

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

In Re the Marriage of:	)	
	)	
BILLIE G. ROKKE,	)	
Respondent,	)	No. 30135-7-I
	)	COMMISSIONER'S
and	)	RULING GRANTING
	)	MOTION ON THE
DONALD LEIF ROKKE,	)	MERITS TO AFFIRM
Petitioner.	)	
----------	)	

. Donald Rokke appeals from an order holding him in contempt for his failure to abide by the terms of his 1988 dissolution decree. Billie Rokke has filed a motion on the merits to affirm pursuant to RAP 19.14. The motion is

granted and Billie is awarded attorney fees on appeal.

ISSUE

. Did the trial court err in holding Donald in contempt?

FACTS

. The marriage of Donald Rokke and Billie Rokke was dissolved by decree on December 28, 1988. The decree states that each party is represented by counsel and that the parties appeared at a settlement conference with a judge. The Decee further states that the parties reached a mutual agreement and read it into the record. Among its many provisions, the decree lists the retirement benefits being paid to each party, including social security

benefits, and provides:

. The parties are to divide 50/50 the monthly payments to which each is entitled as established above, provided, however, that post-decree increments shall be paid according to the provisions set out below.

... The monthly payments as received shall be deposited into [Donald's] checking account and [Donald] shall on the 3rd of each month send a check to [Billie's] bank account with copies of each benefit check. This will continue until the death of either party. In the event of increase, decrease, or stopping of any of the aforementioned monthly retirement payments, for whatever reason, to either party, each party shall receive his or her remaining portion on a 50/50 basis of the combined monthly payments.

When the decree was entered, Judge Bates questioned both parties on the record concerning their understanding of the agreement to the terms of the decree. Billie said she understood the decree and agreed to it. The following exchange occurred with Donald:

THE COURT: Have you heard the terms and conditions of the settlelment agreement just read into the record by counsel?

MR. ROKKE: Yes.

THE COURT: Your attorney, Mr. Kelly, has explained the terms and conditions of the agreement?

MR. ROKKE: Yes.

THE COURT: Will you do whatever is required by you to effectuate and to complete the terms of the settlement agreement?

MR. ROKKE: Yes.

THE COURT: Do you consider it, in light of all the facts and circumstances in this matter, a fair and equitable agreement?

MR. ROKKE: No. I have to answer honestly, don't I?

Mr. KELLY: Do you agree with it?

MR. ROKKE: I agree with it, but I don't think it is equitable.

MR. KELLY: Are you willing to, then, have a decree entered according to the terms, even though you might not like it?

MR. ROKKE: Yes.

MR. KELLY: This is a negotiated settlement ---

MR. ROKKE: I have agreed to it, but it is not equitable.

MR. KELLY: You are willing to go ahead and have the Court enter a decree of dissolution on this basis?

MR. ROKKE: Yes.

THE COURT: and you will be bound by the terms and conditions of the agreement?

MR. ROKKE: Yes.

Billie and Donald apparently received their own social security benefits separately. The remainder of the pension payments came from the Boeing Company and from the Martin-Marietta Company. Donald had worked for both companies during the marriage. The transfer payment to Billie to implement the agreement apparently came to $585.44 per month, which Donald made, with one exception, until August 1991.

On July 31, 1991, Donald executed a "Declaration of Trust" in which he declared his intention to place in revocable trust the benefits from his penison plans. Other assets were also

placed in trust. Although the document is not entirely clear, it appears to entrust the assets to "Major Spector Corporation", an entity which other than parts of the record suggest is entirely under Donald's control. Donald is named as the trustee. The proceeds from the retirement plans "shall be used for charitable and benevolent purposes at the discretion of the President of Major Spector Corporation". The appellate record does not show who the president of the corporation is. The document gives Donald the right to modify or terminate the trust in his discretion.

On August 4, 1991, Donald sent Billie a letter in which he stated he had placed all his "meager wealth" in an "Nth party trust". He then quoted a portion of the decree dealing with the division of pension assets and stated:

Since I have ceased receiving payments of the funds from which your payments were previously derived, your payments have ceased as of noon august 2, 1991.

On November 22, 1991, Billie filed a motion for a show cause order under the dissolution cause number. The motion requested that Donald be held in contempt for his failure to pay Billie her allocation of retirement funds according to the terms of the decree. The order was issued and a hearing was set for December 18, 1991.

On December 6, Donald filed an "Answer and Counterclaims" in which he attacked the validity of the dissolution decree. It appears that this pleading and its attachments, some of which are duplicative, is more than 300 pages long. Among other things, Donald alleged that the Washington courts did

not have jurisdiction over his pensions and that the agreement was obtained through a death threat by Billie's attorney and coercion by Donald's own attorney.

On December 18, the matter came on for hearing. The Family Law Commissioner noted that she did not have working copies of many of the materials on which Donald intended to rely. Accordingly she continued the matter to January 9, 1992, on condition that Donald properly file his papers and pay $400 in attorney fees to Billie's counsel. On December 20, Donald filed a motion to modify the terms of the dissolution decree, essentially repeating the allegations made in his earlier pleadings.

On January 9, Commissioner Allison found Donald in contempt and denied all his pending motions. She provided that

Donald could purge himself of contempt by payling $3484.48, the amount than owed under the decree, and by paying $500 in attorney fees to Billie's counsel. On January 21, Donald purported to "pay" all the amounts ordered by "assigning" to Billie all the claims Donald alleged he had against her. These "claims" stem from Donald's allegation that Billie received a disproporationate share of the marital assets. Commissioner Allison denied a motion for reconsideration on February 3, 1992. On February 7, Donald filed a notice of appeal from the January 9 order.

After the appeal was taken, Billie obtained an order in Superior Court directing that a receiver be appointed to receive and disburse the pension checks from Boeing and Martin-Marietta. The receivership apparently continues.

Donald moved to include this order in his appeal by his motion was denied. Donald also attempted to submit a narrative report of proceedings which he prepared. He was directed by the Clerk to proceed in the trial court. He moved to modify that order and his motion was denied. He requested review by the Washington Supreme Court but his petition was denied. He requested modification of the ruling denying his petition but this was also denied. He is apparently seeking review by the United States Supreme Court of the ruling directing that he settle the record in the trial court. It does not appear that he has ever returned to the trial court to attempt to settle the record. There have been numerous other post appeal proceedings in the Superior Court.

Donald's appellate brief is stamped

"received" on July 6, 1992. It was apparently submitted earlier than that date but not immediately accepted because of questions regarding its compliance with appellate rules. Billie's motion on the merits was filed on June 26.

STATUS OF THE RECORD

Donald has never produced an accceptable report of proceedings. He has submitted a narrative report which was not agreed to or approved. He has been unsuccessful in this court and in the Washington Supreme Court in his attempt to file a narrative report without having it reviewed by the Superior Court. For the purpose of this ruling only, the commissioner has considered Donald's propposed narrative report of proceedings as if it had been

properly filed and approved. Although it suffers from deficiencies, the narrative report is useful in certain respects. Even if accepted exactly as written, the report of proceedings would change neither the reason nor the outcome of this ruling.

OTHER MOTIONS

There were three motions filed on June 18 and noted for hearing on June 18 and noted for hearing on June 25 in conjunction with the motion on the merits hearing. Although these three motions are improperly noted on less than 10 days notice they will be decided in order to avert a piecemeal resolution of this case.

"MOTION FOR DEFAULT JUDGMENT" - Donald has moved for a default of

Respondent. The Motion is denied because Billie filed this motion on the merits and a response brief is not necessary until the motion is decided.

"MOTION FOR RESTRAINING ORDER" - Donald has moved for a restraining order baring Billie or her counsel from disturbing the peace or threatening or annoying Donald pending the motion on the merits. The motion is denied because such relief is properly sought in the trial court rather than here, and because, even if there is some authority for seeking this relief in the Court of Appeals, there is no factual basis for granting the motion.

"MOTION TO DISMISS WITH PREJUDICE RESPONDENT'S MOTION ON THE MERITS TO AFFIRM RULINGS OF LOWER COURT" - Donald has moved to dismiss Billie motion on

the merits on a number of grounds, including because it was filed prior to the time his appellant's brief was filed and because it not accompanied by a notice of hearing. He also alleges that filing the motion is a violation of his constitutional equal protection rights because it deprives him of the opportunity to file a motion on the merits to reverse. He also argues that Billie should not be allowed to argue the motion because she has not submitted a brief. The motion is denied because it appears that Billie actually had a copy of Donald's brief, even though it was not officially accepted by this Court until later, when the motion was filed. Even if she did not, the motion would be denied because there is no prejudice to Donald. The lack of notice for hearing is immaterial because this court schedules the arguments on such

motions and Donald had adequate notice. there is no constitutional violation because Donald retains the right to file a motion on the merits to reverse in the event the motion on the merits to affirm is denied. The brief in support of the motion on the merits to affirm is sufficient to allow Billie to argue before this court.

Billie has filed a "MOTION TO TEMINATE APPEAL AND FOR FURTHER FINDING OF CR11 VIOLATIONS". Although this motion is in the file for the present cause number, it appears to be directed at another appeal, which Donald filed, taken from the order which appointed a receiver. This motion will not be considered in this cause number.

CRITERIA FOR DETERMINING WHETHER TO GRANT A MOTION ON THE MERITS TO AFFIRM

RAP 18.14(e)(1) provides:

> A motion on the merits to affirm will be granted in whole or in part if the appeal or any part thereof is determined to be clearly without merit. In making these determinations, the ... commissioner will consider all relevant factors including whether the issues on review (a) are clearly controlled by settled law, (b) are factual and supported by the evidence, or (c) are matters of judicial discretion and the decision was clearly within the discretion of the trial court.

In applying these criteria in light of State v. Rolax, 104 Wn.2d 129, 702 P.2d 1185 (1985), the commissioner determines that the issue presented in clearly

without merit.

DECISION

Donald has raised 23 assignments of error in this appeal from a 2 page handwritten order. The citations which purport to sustain those 23 assignments of error consist of references to the United Sstates Coonstitution, a limited number of statutes, certain court rules, and a single appellalte case. The motion on the merits contains no citations whatsoever. Never the less, stripped of the excessive rhetoric and unnecessarily voluminous filings, this is a relatively simple case.

Donald and Billie entered into a negotiated property settlement as part of their dissolution proceedings. Donald stated in open court that he

agreed to the division even though he did not think it was fair. The decree was entered in 1988 and, as far as the record shows, was observed by both parties. On its face, there is nothing to suggest that the decree is unfair. In 1991, Donald decided to place his retirement payments into a trust. He concluded that this action legally eliminated Billie's rights under the decree to a portion of these funds. Billie disagreed and brought a contempt action. Donald then, for the first time, raised a number of objections to the underlying decree. The Superior Court rejected the objections, found Donald in contempt, and entered orders designed to ensure compliance with the decree.

A contempt of court is committed by any intentional disobedience of a

lawful decree. RCW 7.21.010(1)(b). A "remedial sancion" may be imposed for the purpose of coercing performance. RCW 7.21.010(3). Coercive sanctions are civil in nature. State v. John, 69 Wn. App. 615, 619, 849 P.2d 1268 (1993).

A court in a dissolution proceeding has the authority to enforce its decree in a contempt proceeding. Decker v. Decker, 52 Wn.2d 456, 465, 326 P.2d 332 (1958); In re Marriage of Peacock, 54 Wn. App. 12, 17, 771 P.2d 767 (1989). The punishment to be imposed for contempt of court is within the court's discretion and will not be disturbed absent abuse. Schuster v. Schuster, 90 Wn.2d 626, 630, 585 P.2d 130 (1978).

"A court order which is merely erroneous must be obeyed despite the

error and may not be collaterally attacked in a contempt proceeding," State v. Turner, 98 Wn.2d 731, 739, 658 P.2d 658 (1983); Seattle Northwest Securities Corp. v. SDG holding Co., Inc., 61 Wn. App. 725, 733, 812 P.2d 488 (1991). Disobedience of a void order, however, cannot constitute contempt. State v. Turner, supra at 739. An order is void if the court that entered it lacked jurisdiction over the parties or subject matter or lacked the inherent power to make or enter the particular order involved. State v. Turner, supra, at 739; Dike v. Dike, 75 Wn.2d 1, 7, 448 P.2d 490 (1968); Seattle Northwest, supra, at 733.

In keeping with these cases, Donald could defend against the contempt proceeding only by showing either that he did not disobey the dissolution

decree or by showing that the decree was void. Donald did not comply with the decree. It is undisputed that he ceased making payments. The transfer of Donald's right to receive payments to a company apparently controlled by him, by way of revocable trust, of which he is presumably the trustee, does not provide a legal basis on which to avoid the terms of the dissolution decree. Donald has also failed to show that the court lacked jurisdiction to enter the decree. Donald has never challenged the court's personal jurisdiction. It is clear that the court had subject matter jurisdiction. Pension benefits constitute property rights in the nature of deferred compensation which a court has jurisdiction to divide appropriately in a dissolution proceeding. Marriage of Bulick, 59 Wn. App. 630, 636, 800 P.2d 394 (1990).

Donald moved to vacate the decree in conjunction with the contempt proceeding and this motion was denied by the trial court. A party may move for relief from a judgment or order by bringing a motion pursuant to CR 60(b). Motions must be brought within a "reasonable time" and motions under CR 60(b)(1), (2), or (3) must be brought within one year.

This motion was not brought within a "reasonable time' because it was brought almost three years after the decree on grounds that were clearly known to Donald at the time the decree was entered. The motion is suspect because it was only filed after the institution of contempt proceedings. It is also suspect because Donald ceased making payments on the basis of a

"trust" arrangement rather than bringing a motion to vacate. Therefore the motion was properly denied as untimely.

Moreover, the grounds for the motion to vacate are frivolous.

Donald maintains that the decree was coerced by death threats from Billie's counsel and by his own counsel's coercion. The record does not support these contentions. The "death threat" about which Donald complains came during a deposition. The record suggests that Donald was making rude and/or obscene gestures during his own counsel's deposition of Billie. Billie's attorney complained, threatened to leave if the conduct continued, and then said:

It figures, it

figures. It is O.K. to put up with it but I have everybody else around here and I have to ---- O.K. See I am saving all my ammunition for tomorrow and I would suggest that you that there is going to be blood all over my office. There will not be one piece of white wall left.

The court reporter asked if the deposition the next day (apparently Donald's) would be in the same room because it was so congested.

Based on his estimates of the amount of blood in his body and how much blood it would take to cover the walls of the room where the deposition would occur, Donald has concluded that this statement was a death threat because to carry it out would require three times his blood supply. He attributes the

court reporter's question to concern that she would be splattered with blood.

Donald's conclusion that this statement was a "death threat" is unwarranted and was properly rejected by the Superior Court.

Donald's claim that his own counsel coerced him is based on a blank space in the fee agreement. Donald maintains that his attorney deliberately left empty the space where a price would ordinarilly be set for a daily rate for being in trial. Donald claims that the implied threat (there being no explicit threat) that this daily trial rate would be exorbitant coerced him into agreeing to the terms of the decree rather than taking the matter to trial.

Donald's conclusion that the

blank space in the fee agreement is evidence of coercion by his own attorney is also unwarranted and was properly rejected.

Donald also maintains that the property division is patently unfair. The decree is not unfair on its face and Donald's calculaions to the contrary have no basis in any record before the court. This ground was also properly rejeced as a basis for modifying the decree.

All of Donald's other claims of deficiencies, whether of substance or procedure, are frivolous and do not merit further discussion.

The trial court properly found Donald in contempt and rejected his motions. Accordingly the motion on the

merits to affirm should be granted.

ATTORNEY FEE AWARD

Billie has moved for an award of attorney fees on appeal on the ground that the appeal is frivolous and in violation of CR 11.

A court may award attorney fees to an aggrieved party in a contempt proceeding. RCW 7.21.030(3). An award of attorney fees in the trial court will support an award of fees on appeal. R/L Associates, Inc. v. Seattle, 113 Wn.2d 402, 413, 780 P.2d 838 (1989).

An appeal is frivolous if it cannot be suppported by any rational argument on the law or the facts. The Bill of Rights Legal Foundation v. The Evergreen State College, 44 Wn. App.

690, 696-97, 723 P.2d 483 (1986). The record is considered as a whole and any doubts are resolved in favor of the appellant. Streater v. White, 26 Wn. App. 430, 435, 613 P.2d 187, review denied, 99 Wn.2d 1014 (1980).

Fees will be awarded on two grounds. First, an award is proper under RCW 7.21.030(3). Donald has put Billie to a great deal of trouble and expense in attempting to avoid obligations he agreed to three years ago. She has been harmed thereby and is entitled to fees and compensaton. Second, Donald's objections to the decree, raised as they were almost thre years after the decree and in response to a contempt proceeding, were neither well grounded in law nor supported by the facts of record. Therefore the appeal from the contempt order is

frivolous. Because Billie has already submitted an affidavit in support of the request for fees, Donald shall have ten days from the date of this ruling to submit any objections to the request in accordance with RAP 18.1(e). Now, therefore, it is hereby

ORDERED that the motion on the merits to affirm is granted and the order of the trial court is affirmed; and it is further

ORDERED that respondent Billie Rokke is awarded attorney feees on appeal against the appellant Donald Rokke.

Done this 2nd day of July, 1993.

(signed by William H. Ellis)

Court Commissioner

The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

July 12, 1993

Mr. Donald Rokke

221 S.W. 153rd Street

Suite #110

Seattle, WA 98166

Mr. Alan M. Singer

Attorney at Law

16400 Southcenter Parkway

#407

Seattle, WA 98188

Counsel:

Re No.: 30135-7-I, Rokke v. Rokke

On June 29, 1993, a motion to modify was filed in the above-referenced case. Any response to the motion is due within 10 days of this letter. After the time period for response has passed, the case will be submitted to a panel of this court for determination without oral argument. RAP 17.5(b). The parties will be notified when a decision on the motion has been entered.

Sincerly,

(Signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

emp

The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

July 22, 1993

Mr. Donald Rokke

221 S.W. 153rd Street

Suite #110

Seattle, WA 98166

Mr. Alan M. Singer

Attorney at Law

16400 Southcenter Parkway

#407

Seattle, WA 98188

Counsel:

Re No.: 30135-7-I, Rokke v. Rokke

The following notation ruling by a Court Commissioner was entered in the above-referenced appeal on July 21, 1993 regarding Appellant's "motion to modify:"

This motion to modify is of excessive length and will not be considered by this court. A motion to modify not exceeding ten pages in length may be filed on or before 8-5-93. If no revised motion is timely filed, the Commissioner's Ruling of 7-2-93 will be final and non-modifiable in this court.

/s/ Mary Ellen Hudgins

Court Commissioner

Counsel's failure to timely comply with the Rules of Appellate Procedure may result in the imposition of sanctions pursuant to RAP 18.9.

Sincerly,

(signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

emp

The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

August 16, 1993

Mr. Donald Rokke

221 S.W. 153rd Street

Suite #110

Seattle, WA 98166

Mr. Alan M. Singer

Attorney at Law

16400 Southcenter Parkway

#407

40

Seattle, WA 98188

Counsel:

Re No.: 30135-7-I, Rokke v. Rokke

Please find enclosed a copy of the Order Denying Motion to Modify Clerk/Staff Attorney's Ruling entered in the above case today.

Within thirty days after the date of this order, the clerk/staff attorney's ruling will become final unless, in accordance with RAP 13.5, counsel files a motin for discretionary review in the Supreme Court, with a copy filed in the Court of Appeals.

In the event that a motion for discretionary review is filed, an answer to the motion must be filed with the

Clerk of the Supreme Court within fifteen days after the motion is served on counsel.

For counsel's information, the Supreme Court has determined that no filing fee will be required in that court.

Sincerly,

(signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

AN/mb

Enclosure

42

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

BILLIE G. ROKKE	)	
Respondent,	)	No. 30135-7-I
	)	
v.	)	ORDER DENYING
	)	MOTION TO
DONALD LEIF ROKKE,	)	MODIFY
Appellant.	)	
----------	)	

Appellant Donald L. Rokke has filed a motion to modify the clerk/staff attorney's notation ruling denying indefinite continuance of oral argument on a motion on the merits to affirm. A panel of this court has considered the matter pursuant to RAP 17.7 and has determined that the motion should be denied. Now, therefore,

it is hereby

ORDERED that the motion to modify is denied.

Done this 16th day of August, 1993.

(Signed by Gross, J)

(Signed by Baker, J.)

(Signed by Kennedy, J.)

APPENDIX 5
PAGE 1 OF 3

THE SUPREME COURT

STATE OF WASHINGTON

TEMPLE OF JUSTICE

P.O. BOX 40929

OLYMPIA, WA 98504-0929

(206) 357 2077

September 3, 1993

Mr. Donald Rokke

221 SW 153rd Street

Suite #110

Seattle, WA 98166

Mr. Alan Singer

Attorney at law

16400 South Center Parkway

Suite #407

Seattle, Washington 98188

Honorable Anne Noris, Clerk

Division I, Court of Appeals

One Union Square

600 University St

Seattle, WA 98101

Re: Supreme Court No. 60804-1 - Donald Leif Rokke v. Billie Grace Rokke

Court of Appeals No. 30135-7-I

Clerk, Counsel & Mr. Rokke:

Petitioner's "MOTION FOR DISCRETIONARY REVIEW" of the Court of Appeals order entered in Court of Appeals cause number 30135-7-I on August 16, 1993, was filed on September 3, 1993, and assigned the above referenced Supreme Court cause number.

A copy of the motion is enclosed

for the Respondent.

The motion is set for consideration on the Supreme Court Commissioner's October 17, 1993, Motion Calendar and will be determined without oral aragument unless otherwise requested in writing by a party by not later than September 17, 1993.

Any response to the motion should be served and filed by not later than October 1, 1993.

The Clerk of Division I is requested to forward the entire file in Court of Appeals cause number 30135-7-I.

Sincerly,

(Signed by undecipherable)

RONALD R. CARPENTER

Deputy Clerk

RRC:crf

Encl.

THE SUPREME COURT

STATE OF WASHINGTON

TEMPLE OF JUSTICE

P.O. BOX 40929

OLYMPIA, WA 98504-0929

October 7, 1993

Mr. Donald L. Rokke

221 SW 153rd Street

Suite #110

Seattle, WA 98166

Mr. Alan Singer

Attorney at law

16400 South Center Parkway

Suite #407

Seattle, Washington 98188

Re: Supreme Court No. 60804-1 - Donald Leif Rokke v. Billie Grace Rokke

Court of Appeals No. 30135-7-I

Counsel & Mr. Rokke:

Enclosed please find RULING DENYING MOTION FOR DISCRETIONARY REVIEW, signed by the Supreme Court Commissioner on October 7, 1993 in the above entitled case.

Sincerely,

(Signature undecipherable)

RONALD R. CARPENTER

Supreme Court Deputy Clerk

BJH:crf

cc: Clerk, Division I

THE SUPREME COURT OF WASHINGTON

DONALD LEIF ROKKE,	)	NO. 60804-1
Petitioner,	)	
	)	RULING
v.	)	DENYING
	)	MOTION FOR
BILLIE GRACE ROKKE,	)	DISCRETIONARY
Respondent.	)	REVIEW
----------	)	

Donald Leif Rokke appealed to Division One of the Court of Appeals from an order of the King County Superior Court. The appeal was eventually set for consideration on a motion on the merits pursuant to RAP 18.14. Mr. Rokke then moved for an indefinate continuance of oral argument on that motion, apparently seeking time to pursue review by the United States Supreme Court of various earlier rulings

in the case. The Court of Appeals Clerk/Staff Attorney denied the motion for an indefinite continuance, and a panel of judges denied Mr. Rokke's motion to modify that ruling. Mr. Rokke now moves for discretionary review by this court. In the meanwhile, a Court of Appeals Commissioner has heard and granted the motion on the merits, and review reportedly has been denied by the Supreme Court.

Having considered the pleadings filed in this court and the entire Court of Appeals file, I am persuaded that the Court of Appeals acted well within its discretion in denying Mr. Rokke's request for an indefinite continuance. Nor, in any event, is there any reason to review that decision now, given that the hearing which Mr. Rokke sought to continue now has taken place and a

decision on the merits has been issued. There is, in short, no basis for this court to grant discretionary review in light of the criteria of RAP 13.5(b). The motion for discretionary review is denied.

(Signed by Jeoffrey Crooks)

COMMISSIONER

October 7, 1993

THE SUPREME COURT

STATE OF WASHINGTON

TEMPLE OF JUSTICE

P.O. BOX 40929

OLYMPIA, WA 98504-0929

October 15, 1993

Mr. Donald Rokke

221 SW 153rd Street

Suite #110

Seattle, WA 98166

Mr. Alan Singer

Attorney at law

16400 South Center Parkway

Suite #407

Seattle, Washington 98188

Re: Supreme Court No. 60804-1 - Donald Leif Rokke v. Billie Grace Rokke

Court of Appeals No. 30135-7-I

Counsel & Mr. Rokke:

Petitioner's "MOTION TO MODIFY RULING" was received and filed on October 15, 1993. A copy of the motion is enclosed for the Respondent.

The motion is set for consideration by a Department of the Supreme Court on the Court's December 1, 1993, motion calendar and will be determined without oral argument.

Any response to the motion should be served and filed by no later than November 15, 1993.

Sincerly,

(Signed by undecipherable)

RONALD R. CARPENTER

Supreme Court Deputy Clerk

RRC:crf

Enclosure

THE SUPREME COURT

STATE OF WASHINGTON

TEMPLE OF JUSTICE

P.O. BOX 40929

OLYMPIA, WA 98504-0929

December 1, 1993

Mr. Donald Rokke

221 SW 153rd Street

Suite #110

Seattle, WA 98166

Mr. Alan Singer

Attorney at law

16400 South Center Parkway

Suite 407

Seattle, WA 98188

Re: Supreme Court No. 60804-1 - Donald Leif

Rokke v. Billie Grace Rokke

Court of Appeals No. 30135-7-I

Counsel:

Enclosed is a conformed copy of the Order entered this day following hearing of the above matter on the Court's December 1, 1993, Motion Calendar.

Sincerly,

(Signed by undecipherable)

C.J MERRITT

Supreme Court Clerk

LB:lb

Encl.

THE SUPREME COURT OF WASHINGTON

DONALD LEIF ROKKE,	)	NO. 60804-1
Petitioner,	)	ORDER
	)	C/A NO.
v.	)	30135-7-I
	)	
BILLIE GRACE ROKKE,	)	
Respondent.	)	
----------	)	

. This matter came before Department II of the Court on its December 1, 1993, Motion Calendar on Petitioner's Motion to Modify Commissioner's Ruling. The Court having considered the Motion and the files herein and the five members of the Department having unanimously agreed;

. Now, therefore, it is hereby

. ORDERED:

. That Petitioner's Motion to Modify Commmissioner's Ruling is denied.

. DATED at Olympia, Washington this

. 1st day of December, 1993.

(Signature undecipherable)

CHIEF JUSTICE

The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

December 21, 1993

Mr. Donald Rokke

221 S.W. 153rd Street, Suite #110

Seattle, WA 98166

Mr. Alan Mark Singer

Attorney at Law

16400 Southcenter Parkway, Suite #407

Seattle, WA 98188

Counsel:

Re No.: 30135-7-I, Rokke v. Rokke

Enclosed is a copy of the ruling entered in this case today. RAP 17.7 provides that any motion to modify the ruling must be served and filed "not later than 10 days after the ruling is filed".

Sincerly,

(signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

bes

Enclosure

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

In Re the Marriage of:	)	
BILLIE G. ROKKE	)	
Respondent,	)	No. 30135-7-I
	)	
and	)	COMMISSIONER'S
	)	RULING
DONALD LEIF ROKKE,	)	AWADING
Appellant.	)	ATTORNEY
_____	)	FEES

This case was decided by a motion on the merits filed on July 2, 1993. The respondent, Billie Rokke, was awarded attorney fees on appeal. Prior to the hearing on the matter, Billie's attorney submitted an affidavit for attorney fees. Although Donald Rokke was given a period of time to contest

that affidavit, he filed no response.

The affidavit submitted by counsel contains entries for a number of different proceedings in this case. However, some of the proceedings are obviously in connection with matters which occured at the superior court. The award of fees in this matter only covers appellate court proceedings. Accordingly, only those entries which clearly pertain to the appeal will be allowed. This includes all entries from May 11, 1992, including that date, to February 1, 1993. The total time expended during that period was 28.4 hours. "The hourly rate requested, $120.00, appears to be reasonable. Accordingly, respondent Billie Rokke is awarded attorney fees on appeal of $3,408.00. The fee award shall be taxed against appellant Donald

Rokke.

Now, therefore, it is hereby

ORDERED that the respondent Billie Rokke is awarded attorney fees on appeal of $3,408.00.

Done this 21st day of December, 1993.

(Signed William H. Ellis)

Court Commissioner

The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

December 30, 1993

Mr. Donald Rokke

221 S.W. 153rd Street, Suite #110

Seattle, WA 98166

Mr. Alan Mark Singer

Attorney at Law

16400 Southcenter Parkway, Suite #407

Seattle, WA 98188

Re: No. 30135-7-I, In re Marriage of Rokke

Counsel:

On December 29, 1993, a motion to modify was filed in the above-referenced case. Any response to the motion is due within 10 days of this letter. After the time period for response has passed, the case will be submitted to a panel of this court for determination without oral argument. RAP 17.5(b). The parties will be notified when a decision on the motion has been entered.

Sincerly,

(signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

mb

The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

January 271, 1994

Mr. Donald Rokke

221 S.W. 153rd Street, Suite #110

Seattle, WA 98166

Mr. Alan Mark Singer

Attorney at Law

16400 Southcenter Parkway, Suite #407

Seattle, WA 98188

Re: No. 30135-7-I, In re Marriage of Rokke

Counsel:

Please find enclosed a copy of the Order Denying Motions to Modify Commissioner's Rulings entered in the above case today.

Within thirty days after the date of this order, the commissioners' rulings will become final unless, in accordance with RAP 13.4, counsel files a petition for review.

In the event that a petition for review is filed, respondent may file with the Clerk of the Supreme Court an answer to the petition within fifteen days after the petiton is served on counsel.

For counsel's information, the Supreme Court has determined that a filing fee of $200 will be required in that court.

Sincerly,

(signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

AN/mb

Enclosure

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

In Re the Marriage of:	)	
BILLIE G. ROKKE	)	
Respondent,	)	No. 30135-7-
	)	
and	)	ORDER
	)	DENYING
DONALD L. ROKKE,	)	MOTIONS
Appellant.	)	TO MODIFY
----------	)	

Appellant Donald Rokke has filed a motion to modify the commissioner's ruling granting a motion on the merits and affirming the decision of the trial court, a motion to modify the commissioner's ruling rejecting his motion to modify, and a motion to modify the commissioner's ruling on attorney

fees. A panel of this court has considered the matter pursuant to RAP 17.7 and State v. Rolax, 104 Wn.2d 129, 702 P.2d 1185 (1985) and has determined that the motions should be denied. Now, therefore, it is hereby

ORDERED that the motion to modify the commissioner's ruling granting a motion on the merits is denied; and, it is further

ORDERED that the motion to modify the commissioner's ruling rejecting appellant's motion to modify is denied; and, it is further

ORDERED that the motion to modify the commissioner's ruling on attorney fees is denied.

Done this 27th day of January,

1994.

(Signed by Pekelis, A.C.J.)

(Signed by Grosse, J.)

(Signed by Colemem, J.)

THE SUPREME COURT

STATE OF WASHINGTON

TEMPLE OF JUSTICE

P.O. BOX 40929

OLYMPIA, WA 98504-0929

(206) 357 2077

March 28, 1994

Mr. Donald Rokke

221 SW 153rd Street, Suite #110

Seattle, WA 98166

Mr. Alan Singer

Attorney at law

16400 South Center Parkway

Suite #407

Seattle, Washington 98188

Honorable Anne Noris, Clerk

Court of Appeals, Division I

72

One Union Square

600 University St

Seattle, WA 98101

Re: Supreme Court No. 61483-1 - In re the Marriage of Billie G. Rokke and Donald Leif Rokke

Court of Appeals No. 30135-7-I

Clerk, Counsel:

On February 25, 1994, Petitioner herein; Appellant in the Court of Appeals filed a Petition for Review of the Court of Appeals opinion in the above entitled case. The petition has been assigned the above referenced Supreme Court cause number.

A party may file an answer to a petition for review. Any answer must be filed with this Court by not later than

30 days after service of the petition on the party. If the party wants to raise an issue which is not raised in the petition for review, the party must raise the new issue in the answer. It is noted that if a Respondent wishes to seek an award of reasonable attorney fees and expenses pursuant to the provisions of RAP 18.1(j) such a request must be contained in a timely filed answer to the petition for review, see RAP 18.1(b).

The petition is considered served whether served by the Court of Appeals or the petitioner, whichever occurs first.

A reply to an answer, if any, should be filed within 15 days after service on the party of the answer and may only be fileld if the answer raises

a new issue; see RAP 13.4(D).

As to reproduction and service of the petition, answer or reply, the parties should refer to RAP 13.4(g).

The petition has been set for consideration without oral argument by a Department of the Court on the Court's July 6, 1994, motion calendar. If the members of the Department do not unanimously agree on the manner of the disposition, consideration of the petition will be continued for determination by the En Banc Court.

Sincerely,

(Signature undecipherable)

RONALD R. CARPENTER

Supreme Court Deputy C

AJE:mja

THE SUPREME COURT

STATE OF WASHINGTON

TEMPLE OF JUSTICE

P.O. BOX 40929

OLYMPIA, WA 98504-0929

(206) 357 2077

July 6, 1994

Mr. Donald Rokke

221 SW 153rd Street, Suite 110

Seattle, WA 98166

Mr. Alan Singer

Attorney at law

16400 South Center Parkway

Suite 407

Seattle, Washington 98188

Re: Supreme Court No. 61483-1 - In re the Marriage of Billie G. Rokke and

Donald Leif Rokke

Court of Appeals No. 30135-7-I

Counsel:

Enclosed is a conformed copy of the Order entered this day following hearing of the above matter on the Court's July 6, 1994, Motion Calendar.

Sincerely,

(Signed Melanie J. Atkinson)
MELANIE J. ATKINSON
Court Clerk II

MJA:mja

Enclosure

THE SUPREME COURT OF WASHINGTON

BILLIE GRACE ROKKE,	)	NO. 61483-1
Respondent,	)	ORDER
	)	C/A NO.
v.	)	30135-7-I
	)	
DONALD LEIF ROKKE,	)	
Petitioner.	)	
----------	)	

This matter came before Department II of the Court on its July 6, 1994, Motion Calendar on Petition for Review. Department II having considered the Petition and the files herein, and the five members of the Department having unanimously agreed;

Now, therefore, it is hereby

ORDERED:

That the Petition for Review is denied.

DATED at Olympia, Washington this 6th day of July, 1994.

(Signature undecipherable)

CHIEF JUSTICE

THE SUPREME COURT

STATE OF WASHINGTON

TEMPLE OF JUSTICE

P.O. BOX 40929

OLYMPIA, WA 98504-0929

(206) 357 2077

March 31, 1993

Mr. Donald Rokke

221 SW 153rd Street,

Suite #110

Seattle, WA 98166

Mr. Alan Singer

Attorney at law

16400 South Center Pkwy

Suite 407

Seattle, WA 98188

Re: Supreme Court No. 59868-1 - Billie Grace Rokke v. Donald Leif Rokke

Court of Appeals No. 30135-7-I

Counsel:

Enclosed is a conformed copy of the Order entered this day following hearing of the above matter on the Court's March 31, 1993, Motion Calendar.

Sincerely,

(Signed C. J. Merritt)

C. J. MERRITT

Supreme Court Clerk

LB: lb

Encl.

THE SUPREME COURT OF WASHINGTON

BILLIE GRACE ROKKE,	)	
Respondent,	)	ORDER
	)	NO. 59868-1
v.	)	C/A No.
	)	30135-7-I
DONALD LEIF ROKKE,	)	
Petitioner.	)	
----------	)	

This mattter came before Department II of the Court on its March 31, 1993, Motion Calendar on Petitioner's Motion to Modify Commissioner's Ruling and Respondent's Motion for Attorney Fees as Sanction. [Justice Guy sat as Justice Pro Tem on Department II. Justice Dolliver did not participate due to illness]. Department II having considered the

motions and the files herein;

Now, therefore, it is hereby

ORDERED:

That Petitioner's Motion to Modify Commissioner's Ruling is denied and the Respondent's Motion for Attorney Fees is also denied.

DATED at Olympia, Washington this 31st day of March 1993.

(Signature undecipherable)

CHIEF JUSTICE

Appendix 15

ARTICLE I Section 1 of the U.S. Constitution:

"ARTICLE I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Appendix 16

ARTICLE II Section 1 of the U.S. Constitution

"ARTICLE II

Section 1. [1] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of Four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:"

Appendix 17

ARTICLE III Section 1 of the U.S. Constitution:

"ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such interior Courts as the Congress may from time to time ordain and establish. ..."

Appendix 18

ARTICLE VI Section 3. Paragraph [2]:

"ARTICLE IV

Section 3.

[2] The Congress Shall have Power to dispose and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States, and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

Appendix 19

Amendment VII of the U.S. Constitution:

"AMENDMENT VII [1791]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Appendix 20

Amendment XIV of the U.S. Constitution:

"AMENDMENT XIV [1868]

Section 1. All persons born or naturalized in the United States, and subject to the jurisdicton thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Appendix 21

Washington Court Rules,

RAP RULE 1.1. SCOPE OF RULES:

"RULES OF APPELLATE PROCEDURE

TITLE 1. SCOPE AND PURPOSE OF RULES

RULE 1.1 SCOPE OF RULES

(g) Superseding Effect of Rules. These rules supersede all statutes and rules covering procedure in the Supreme Court and the Court of Appeals, unless one of these rules specifically indicates to the contrary."

Appendix 22

Washington Court Rules,

"RAP RULE 13.5 DISCRETIONARY REVIEW OF INTERLOCUTORY DECISION

(b) Consideration Governing Acceptance of Review. Discretionary review of an interlocutory decision of the Court of Appeals will be accepted by the Supreme Court only:

(1) if the Court of Appeals has committed an obvious error which would render further proceedings useless; or

(2) if the Court of Appeals has committed probable error and the decision of the Court of Appeals substantially alters the status quo or substantially limits the freedon of a party to act; or

(3) if the Court of Appeals has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a

trial court or administrative agency, as to call for the exercise of revisory jurisdiction by the Supreme Court."

Appendix 23

Washington Court Rules,

"COURTS OF LIMITED JURISDICTION,

TRAFFIC INFRACTION RULES,

TITLE 1. GENERAL PROVISIONS,

RULE 1.3 LOCAL COURT RULES

(a) Adoption. Each court may adopt special infraction rules not inconsistent with these general rules.

(b) Format. The numbering system and format of local rules shall conform to these rules.

(c) Filing. Local rules become effective only after they are filed with the Administrator for the Courts in accordance with GR 7."

Appendix 24

Washington Court Rules,

*RULES OF GENERAL APPLICATION,

GENERAL RULES

RULE 7. LOCAL RULES-FILING AND EFFECTIVE DATE

(a) Generally. Fifty copies of rules of court authorized by law to be adopted or amended by courts other than the Supreme Court must be filed with the state Administrator for the Courts. New proposed rules and amendments must be filed on or before July 1 for comment; to be effective September 1 of the same year. Promulgation or amendment of rules that describe only the structure, internal management and organization of the court but do not affect court room procedures are not governed by the time limitation above.

(b) Form. All local rules shall be consistent with rules adopted by the

Supreme Court, and shall conform in numbering system and in format to these rules to facilitate their use. Each rule and amendment filed shall state its effective date in brackets following the rule. Prior to adopting a local rule, the court may informally submit a copy of its local rule to the Administrator for the Courts for comments as to its conformity in number and format to the Official Rules of Court, and suggestions with reference thereto.

...

(d) Availability of Local Rules; Effect Upon Existing Local Rules. The clerk of the court adopting the rules shall maintain a complete set of current local rules, which shall be available for inspection and copying. In order for local rules which are currently in effect to remain in effect they must be refiled with the Office of

the Administrator for the Courts by September 15, 1991.

(e) Emergency Rules.

(1) In the event a court other than the Supreme Court deems that an emergency exists which requires a change in its rules, such court shall, in addition to filing the rules or amendments as provided in section (a), distribute them to all county law libraries.

(2) A rule or amendment adopted on an emergency basis shall become effective immediately on filing with the Administrator for the Courts. The rule or amendment shall remain effective for a period of 90 days after filing, unless readopted in accordance with section (e)(1) or submitted as a permanent rule or amendment under section (a) within the 90-day period."

Appendix 25

Washington Court Rules,

"SUPERIOR COURT MENTAL PROCEEDINGS RULES (MPR)

INTRODUCTION

The following rules have been designed and promulgated to give full force and effect to Laws of 1973, 1st Ex.Sess., ch. 142. Any future amendments which may be enacted will be dealt with in rules as the need may arise.

Section 62 of the act directs the Supreme Court to adopt rules with respect to court procedures and proceedings. Adoption of these rules is not to be construed as approval of what could be a breach of the separation of powers of government. While the legislature may recommend rulemaking as

to particular matters, it may not mandate rulemaking which is an inherent power of the judicial branch.

Although the courts generally do not pass upon the wisdom or the workability of statutes, they are concerned with their constitutionality. The adoption of these rules, which are merely designed to give effect to the statute as it is written, does not in any manner indicate an opinion of the court that the statute is or is not constitutional in any respect. In promulgating them, the court does not in any manner obviate further consideration of any portion of the statute or these rules in a proper case.

Because of the complicated nature of the statute necessitating these rules and the need that they be effective

January 1, 1974, the court has promulgated them without submitting them for comment, and now invites comment from the bench and bar."

Appendix 26

Washington Court Rules,

"RULES OF APPELLATE PROCEDURE,

RULES ON APPEAL,

TITLE 18. SUPPLEMENTAL PROVISIONS,

RULE 18.14 MOTION ON THE MERITS

(e) Considerations Governing Decision on Motion.

(1) Motion to Affirm. A motion on the merits to affirm will be granted in whole or in part if the appeal or any part thereof is determined to be clearly without merit. In making these determinations, the judge or commissioner will consider all relevant factors including whether the issues on review (a) are clearly controlled by settled law, (b) are factual and supported by the evidence, or (c) are matters of judicial discretion and the decision was clearly within the discretion of the trial court."

Appendix 27

Washington Court Rules

"RULES OF APPELLATE PROCEDURE,

RULES ON APPEAL,

TITLE 9 RECORD ON REVIEW,

RULE 9.5 FILING AND SERVICE OF REPORT OF PROCEEDINGS-OBJECTIONS

(a) Generally. The Party seeking review must file the report of proceedings with the clerk of the trial court within 90 days after review is accepted by the appellate court, except that the court reporter must file a verbatim report of proceedings. The party who caused a report of proceedings to be filed should at the time of filing the report of proceedings serve one copy on an adverse party and serve and file proof of the service on all other parties.

...

(c) Objections to Report of Proceedings. A party may serve and file objections to, and proposed amendments to, a narrative report of proceedings or a verbatim report of proceedings within 10 days after receipt of the report of proceedings or receipt of the notice of filing of the report of proceedings. If objections or amendments to the report of proceedings are served and filed, any objections or proposed amendments must be heard by the trial court judge before whom the proceedings were held for settlement and approval, except objections to the form of a report of proceedings, which shall be heard by motion in the appellate court. The court may direct a party or a reporter to pay for the expense of any modifications of the proposed report of proceedings. The motion procedure of the court deciding any objections shall

be used in settling the report of proceedings."

Appendix 28

Washington Court Rules,

"PART I RULES OF GENERAL APPLICATION,

RULE 9. SUPREME COURT RULEMAKING PROCEDURE

(a) Statement of Purpose. In promulgating rules of court it is the purpose of the Washington State Supreme Court to ensure that:

(1) An orderly and uniform procedure is followed;

(2) All interested groups are given notice and an opportunity to express views regarding proposed rules;

(3) Adequate notice of adopted rules chanages and of the effective dates is given;

(4) All proposed rules are necessary statewide;

(5) Rules changes are minimized to prevent disruption of court practice;

(6) The purpose of rules of court is to provide necessary governance of court procedures and practice; and

(7) All rules of court are clear and definite in application.

(b) Definitions. As used in this rule, the following terms have these meanings:

(1) "Suggested rule change" means a recommendation for a rule change or a new rule to the Chief Justice.

(2) "Proposed Rule" means a recommendation for a rule change made by the Washington State Bar Association to the Washington State Supreme Court.

(c) Initiation of Rules Changes. All suggestions for rules changes shall be sent to the Chief Justice who shall transmit them to the Washington State Bar Association.

Any group or association whose members are involved in the court system may

file a request with the Chief Justice to receive copies of suggested rule changes. The request may specify that the group or association wishes to receive copies of all suggested rule changes or of only certain kinds of suggested rule changes. The request shall state the person to whom the suggested rule change should be sent. Once filed, the request shall be a continuing one until withdrawn by the group or association.

(d) Receipt of Proposed Rules by Supreme Court. Once a suggested rule has been approved by the Washington State Bar Association, it shall be transmitted as a proposed rule to the Chief Justice.

The text of all proposed rules shall be typed on 8 1/2 by 11-inch line-numbered paper with consecutive page numbering. If the proposed rule affects

an existing rule, deleted portions shall be shown and stricken through; new portions shall be underlined once.

Every proposed rule shall be accompanied by a cover sheet explaining:

(1) Background--what person or group initiated the rules change study and the reason for the request;

(2) Purpose--the purpose of and the necessity for the proposed rule including whether it creates or resolves any conflicts with statutes, case law, or other court rules;

(3) Washington State Bar Association Action--a summary of the viewpoints expressed during the development of and debate over the proposed rule;

(4) Supporting Material--a table of contents listing the material sent to the Supreme Court in support of the proposal including letters, memoranda, minutes of meetings, or research studies;

(5) Spokesperson--a designation of the person who is knowledgeable about th proposed rule and who could provide additional information to the Supreme Court;

(6) Hearing--whether a hearing is recommended.

All proposed rules must be received by the Supreme Court on or before October 31 to be effective for the succeeding September 1.

(e) Action by Supreme Court. If a proposed rule is amended or rejected by the Supreme Court, The Washington State Bar Association will be notified in writing. If a proposed rule is approved, the Supreme Court will order the proposed rule published for comment.

The Supreme Court may invite persons familiar with the rule to provide additional information.

(f) Publication for Comment. All

proposed rules approved by the Supreme Court for publication will be published for comment in a Washington Reports advance sheet during the month of January.

All comments shall be directed to the Chief Justice and shall be received no later than the last day of April. If a comment contains a draft of a rule, it must be in the format outlined in 9(d).

All comments received will be kept on file in the office of the court for public inspection and copying.

(g) Final Adoption, Publication, and Effective Date. After the comment period, the Supreme Court will adopt, amend, or reject a proposed rule or take such other action as the court deems appropriate.

Prior to action by the Supreme Court, the court may, in its discretion, hold a hearing on a proposed rule at a time and

in a manner defined by the court.

All adopted rules shall be published the first of July in a special edition of the Washington Reports advanced sheets.

All adopted rules shall become effective the first day of September unless an emergency as determined by the Supreme Court necessitates a different effective date.

(h) Periodic Review. The Supreme Court, in consultation with the Washington State Bar Association, will establish procedures for the periodic review of the rules of court.

(i) Miscellaneous Provisions. This rule is effective on March 19, 1982, and applies to all proposed rules changes not adopted by the Supreme Court by that date. The Supreme Court, in its discretion, may adopt, amend, or rescind a rule without following procedures set

forth in this rule."

[Adopted effective March 19, 1982;

Amended effective September 1, 1984.]

WASHINGTON COURT RULES FOR 1993
CHANGES TO THOSE RULES: RULES PAGE NUMBER - RULE CHANGED - DATE OF CHANGE VS AVAILABILITY OF LEGISLATURE TO LEGITIMATELY APPROVE THESE COURT RULE (LAW) ACTIONS

PAGE NO	RULE NO	DATES	LEGISLATURE IN SESSION?
PART I .	RULES OF GENERAL APPLICATION:		
TITLE	N/A	AUGUST 1, 1992	NO
		SEPTEMBER 1, 1992	NO
1	GR	JULY 1, 1967	NO
		AUGUST 1, 1992	NO
2	T OF C	JANUARY 1, 1974	NO
		JULY 1, 1974	NO
		JULY 1, 1976	NO
		SEPTEMBER 24, 1976	NO
	T OF C	APRIL 2, 1979	YES
		JANUARY 1, 1981	NO
		MAY 14, 1982	NO
	T OF C	JANUARY 21, 1983	YES
		SEPTEMBER 1, 1985	NO
		DECEMBER 8, 1986	NO
		SEPTEMBER 1, 1987	NO
		SEPTEMBER 1, 1989	NO
2	2	FEBRUARY 3, 1977	YES
2	5 ADTS	FEBRUARY 8, 1977	YES
2	6	JANUARY 30, 1978	NO
3	7	JANUARY 1, 1981	NO
		SEPTEMBER 1, 1991	NO
3	8	JANUARY 1, 1981	NO
3	8.3	JANUARY 1, 1981	NO
		MARCH 14, 1986	YES
4	8.3	JANUARY 1, 1981	NO
		MAY 8, 1987	YES
4	8.4	JANUARY 1, 1981	NO
4	8.5	JANUARY 1, 1981	NO
5	9	MARCH 19, 1982	YES
		SEPTEMBER 1, 1984	NO
5	10	SEPTEMBER 1, 1983	NO
		NOVEMBER 11, 1983	NO
		MAY 25, 1984	NO

PAGE NO	RULE NO	DATES	LEGISLATURE IN SESSION?
5	11	JULY 17, 1987	NO
6	11.1	NOVEMBER 17, 1989	NO
7	12	JULY 19, 1987	NO
7	13	SEPTEMBER 1, 1989	NO
7	14	SEPTEMBER 1, 1990	NO
9	15	SEPTEMBER 22, 1989	NO
9	16	DECEMBER 27, 1991	NO

Washington Rules of Evidence:

101	TITLE	APRIL 2, 1979	YES
		SEPTEMBER 1, 1992	NO
108	404	SEPTEMBER 1, 1992	NO
109	405	SEPTEMBER 1, 1992	NO
112	411	SEPTEMBER 1, 1992	NO
112	412	SEPTEMBER 1, 1988	NO
113	501	SEPTEMBER 1, 1988	NO
114	602 & 604	SEPTEMBER 1, 1992	NO
115	606/607/608	SEPTEMBER 1, 1992	NO
116	609	SEPTEMBER 1, 1988	NO
117	610 & 611	SEPTEMBER 1, 1992	NO
118	612 & 613	SEPTEMBER 1, 1992	NO
119	615 & 701	SEPTEMBER 1, 1992	NO
121	705 & 706	SEPTEMBER 1, 1992	NO
125	803	SEPTEMBER 1, 1992	NO
127	804	SEPTEMBER 1, 1992	NO
128	806	SEPTEMBER 1, 1992	NO
128	807	SEPTEMBER 1, 1988	NO
132	1001	AUGUST 27, 1980	NO
133	1004	SEPTEMBER 1, 1992	NO
134	1101	JANUARY 1, 1980	NO
		AUGUST 27, 1980	NO
		SEPTEMBER 1, 1989	NO
		SEPTEMBER 1, 1992	NO

PART II. RULES FOR APPELLATE COURT ADMIN.:

Supreme Court Administrative Rules:

153		SEPTEMBER 12, 1969	NO
		AUGUST 1, 1992	NO
154	4	JANUARY 20, 1984	YES
155	12	JANUARY 30, 1978	NO

PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
155	15	JULY 1, 1976	NO
		JANUARY 1, 1979	NO
156	17 & 18	JULY 1, 1988	NO
157	19	NOVEMBER 29, 1991	NO
158	21	JANUARY 1, 1977	NO
		JULY 20, 1984	NO
158	22	MARCH 1, 1974	NO
158	23	JANUARY 1, 1981	NO
		Court of Appeals Administrative Rules:	
159	TITLE	SEPTEMBER 12, 1969	NO
		AUGUST 1, 1992	NO
159	4	JANUARY 30, 1978	NO
		JULY 17, 1987	NO
160	8	JANUARY 30, 1978	NO
161	16	JANUARY 30, 1978	NO
		MAY 4, 1979	YES
161	21	MARCH 1, 1976	NO
		FEBRUARY 28, 1977	YES
		MAY 4, 1979	YES
		JUNE 7, 1985	YES
		JULY 4, 1986	NO
162	23	JANUARY 30, 1978	NO
162	24	JULY 1, 1976	NO
162	25	MARCH 1, 1974	NO
163	26	JULY 4, 1986	NO
		Supplemental Court of Appeals Admin. Rules:	
165	TITLE	JANUARY 1, 1977	NO
		AUGUST 1, 1992	NO
166	XXX	DECEMBER 11, 1981	NO
		DECEMBER 12, 1991	NO
		PART III. RULES ON APPEAL:	
		Rules of Appellate Procedure:	
171	TITLE	JULY 1, 1976	NO
		SEPTEMBER 1, 1992	NO
177	1.1	JULY 1, 1978	NO
178	2.1	JULY 2, 1976	NO

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PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
179	2.2	JULY 1, 1978	NO
		JANUARY 1, 1981	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1989	NO
		SEPTEMBER 1, 1990	NO
179	2.3	JANUARY 1, 1981	NO
		SEPTEMBER 1, 1985	NO
180	2.5	SEPTEMBER 1, 1985	NO
182	4.2 & 4.3	SEPTEMBER 1, 1990	NO
183	5.1	JULY 2, 1976	NO
183	5.2	JULY 2, 1976	NO
		SEPTEMBER 1, 1985	NO
184	5.3	SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1986	NO
188	8.1	SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
189	8.2	JULY 1, 1978	NO
		SEPTEMBER 1, 1990	NO
189	8.3	SEPTEMBER 1, 1990	NO
189	8.4	SEPTEMBER 1, 1990	NO
189	9.1	SEPTEMBER 1, 1985	NO
190	9.2	JULY 2, 1976	NO
		SEPTEMBER 1, 1985	NO
192	9.6	SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
192	9.7	JULY 2, 1976	NO
193	9.11	SEPTEMBER 1, 1985	NO
193	9.12	SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
194	10.2	SEPTEMBER 1, 1990	NO
		SEPTEMBER 1, 1991	NO
195	10.3	SEPTEMBER 1, 1985	NO
196	10.5	JULY 1, 1976	NO
		SEPTEMBER 1, 1990	NO
196	10.7	JULY 2, 1976	NO
197	12	SEPTEMBER 1, 1985	NO
199	12.5	JUNE 7, 1979	NO
		JANUARY 1, 1981	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
200	13.1	JUNE 7, 1979	NO
200	13.2	JUNE 7, 1979	NO
		SEPTEMBER 1, 1983	NO

PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
201	13.4	SEPTEMBER 1, 1983	NO
		SEPTEMBER 1, 1990	NO
201	13.5	SEPTEMBER 1, 1990	NO
202	13.6	JUNE 7, 1979	NO
		SEPTEMBER 1, 1990	NO
202	13.7	JUNE 7, 1979	NO
		SEPTEMBER 1, 1990	NO
203	14.3	JULY 1, 1976	NO
		JULY 2, 1976	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
203	14.4	JANUARY 1, 1977	NO
205	15.2	JULY 2, 1976	NO
		JULY 1, 1978	NO
		JANUARY 1, 1980	NO
206	15.4	SEPTEMBER 1, 1984	NO
		SEPTEMBER 21, 1990	NO
207	15.6	JULY 2, 1976	NO
208	16.2	SEPTEMBER 1, 1985	NO
209	16.4	JULY 2, 1976	NO
		SEPTEMBER 1, 1991	NO
210	16.10	SEPTEMBER 1, 1990	NO
211	16.11	JANUARY 1, 1977	NO
211	16.12	JANUARY 1, 1977	NO
211	16.13	JULY 2, 1976	NO
211	16.14	JANUARY 1, 1977	NO
212	16.15	JANUARY 1, 1977	NO
212	16.16	SEPTEMBER 1, 1990	NO
213	16.17	SEPTEMBER 1, 1992	NO
214	17.1	SEPTEMBER 1, 1984	NO
214	17.2	JULY 2, 1976	NO
214	17.3	SEPTEMBER 1, 1990	NO
215	17.4	JULY 2, 1976	NO
		SEPTEMBER 1, 1990	NO
216	17.7	JULY 2, 1976	NO
216	18.1	JULY 2, 1976	NO
		SEPTEMBER 1, 1990	NO
218	18.7	SEPTEMBER 1, 1990	NO
218	18.8	JULY 2, 1976	NO
219	18.9	SEPTEMBER 1, 1990	NO
219	18.11	FEBRUARY 28, 1977	YES
219	18.12	JULY 2, 1976	NO
		JULY 1, 1978	NO

PAGE NO__	RULE NO__	DATES _____	LEGISLATURE IN SESSION?
219	18.13	SEPTEMBER 1, 1991	NO
220	18.14	SEPTEMBER 1, 1984	NO
		SEPTEMBER 23, 1988	NO
		SEPTEMBER 1, 1990	NO
220	18.15	JULY 1, 1984	NO
		SEPTEMBER 1, 1991	NO
220	18.16	SEPTEMBER 23, 1988	NO
		SEPTEMBER 23, 1990	NO
222	18.23	SEPTEMBER 1, 1990	NO
235	SECTION 1	OCTOBER 4, 1990	NO
		JANUARY 10, 1991	NO
		JANUARY 2, 1992	NO
236	SECTION 2	OCTOBER 4, 1990	NO
		JANUARY 10, 1991	NO
		JANUARY 2, 1992	NO
237	SECTION 3	OCTOBER 4, 1990	NO
		JANUARY 10, 1991	NO
		JANUARY 2, 1992	NO
238	SECTION 4	OCTOBER 4, 1990	NO
		JANUARY 10, 1991	NO
		JANUARY 2, 1992	NO

PART IV. RULES FOR SUPERIOR COURT:

Superior Court Administrative Rules:

255	TITLE	MARCH 1, 1974	NO
		AUGUST 1, 1992	NO
256	2	APRIL 20, 1990	NO
256	3	DECEMBER 28, 1990	NO
56	4	DECEMBER 28, 1990	NO
257	5	SEPTEMBER 1, 1991	NO

Superior Court Civil Rules:

259	TITLE	JULY 1, 1967	NO
		SEPTEMBER 1, 1992	NO
263	2A.	SEPTEMBER 1, 1989	NO
263	3	JULY 1, 1972	NO
		SEPTEMBER 1, 1978	NO
266	4	JANUARY 1, 1972	NO
		JULY 1, 1977	NO
		SEPTEMBER 1, 1978	NO

PAGE NO	RULE NO	DATES	LEGISLATURE IN SESSION?
266	4	JULY 1, 1980	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1989	NO
267	4.1	SEPTEMBER 1, 1978	NO
		JULY 1, 1980	NO
		SEPTEMBER 1, 1989	NO
268	5	JULY 1, 1972	NO
		SEPTEMBER 1, 1978	NO
		SEPTEMBER 1, 1983	NO
		SEPTEMBER 1, 1988	NO
269	7	SEPTEMBER 1, 1985	NO
272	11	JANUARY 1, 1974	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
273	12	JANUARY 1, 1972	NO
		JANUARY 1, 1980	NO
277	19	JULY 1, 1980	NO
277	20	JULY 1, 1980	NO
282	26	JULY 1, 1972	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1989	NO
		DECEMBER 28, 1990	NO
		SEPTEMBER 1, 1992	NO
284	28	SEPTEMBER 1, 1985	NO
284	29	JULY 1, 1972	NO
287	30	JULY 1, 1972	NO
	DEPOSITIONS	APRIL 2, 1979	YES
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1988	NO
		SEPTEMBER 1, 1989	NO
287	31	JULY 1, 1972	NO
		SEPTEMBER 1, 1988	NO
288	32	JULY 1, 1972	NO
		SEPTEMBER 1, 1983	NO
289	33	JULY 1, 1972	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1989	NO
290	34	JULY 1, 1972	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1989	NO
290	35	JULY 1, 1972	NO
291	36	JULY 1, 1972	NO
		SEPTEMBER 1, 1985	NO

PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
		SEPTEMBER 1, 1989	NO
292	37	JULY 1, 1972	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1992	NO
293	38	JANUARY 1, 1972	NO
		JULY 20, 1973	NO
		AUGUST 7, 1981	NO
296	43	JANUARY 1, 1977	NO
		APRIL 2, 1979	YES
296	43	SEPTEMBER 1, 1988	NO
297	44	SEPTEMBER 1, 1985	NO
297	44.1	JULY 1, 1977	NO
		SEPTEMBER 1, 1983	NO
298	45	JULY 1, 1972	NO
		SEPTEMBER 1, 1983	NO
300	47	JULY 1, 1974	NO
		SEPTEMBER 1, 1983	NO
		SEPTEMBER 1, 1989	NO
		APRIL 20, 1990	NO
301	50	JANUARY 1, 1977	NO
		JULY 1, 1980	NO
		SEPTEMBER 1, 1984	NO
302	51	NOVEMBER 3, 1967	NO
		MARCH 29, 1968	NO
		JANUARY 1, 1977	NO
302	52	SEPTEMBER 1, 1985	NO
		JANUARY 1, 1988	NO
305	55	JULY 1, 1977	NO
		SEPTEMBER 1, 1978	NO
		JANUARY 1, 1981	NO
306	56	SEPTEMBER 1, 1978	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1988	NO
		SEPTEMBER 1, 1990	NO
307	59	JULY 1, 1980	NO
		SEPTEMBER 1, 1984	NO
		SEPTEMBER 1, 1989	NO
308	60	SEPTEMBER 26, 1972	NO
		JANUARY 1, 1977	NO
310	65	JULY 1, 1974	NO
		JANUARY 1, 1981	NO
		SEPTEMBER 1, 1989	NO
311	67	SEPTEMBER 1, 1985	NO

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PAGE NO	RULE NO	DATES	LEGISLATURE IN SESSION?
312	71	JULY 1, 1976	NO
		OCTOBER 11, 1985	NO
		SEPTEMBER 1, 1990	NO
313	77	MAY 24, 1978	NO
		SEPTEMBER 1, 1992	NO
314	79	NOVEMBER 25, 1968	NO
		NOVEMBER 17, 1989	NO
314	80	SEPTEMBER 1, 1984	NO
		MAY 8, 1987	YES
314	82	JULY 1, 1975	NO
		SEPTEMBER 1, 1978	NO
		JANUARY 30, 1981	YES
315	83	JANUARY 1, 1976	NO
		JANUARY 1, 1981	NO

Superior Court Mandatory Arbitration Rules:
(OMITTED - IRRELEVANT TO THIS CASE)

Superior Court Special Proceedings Rules:
(OMITTED - IRRELEVANT TO THIS CASE)

Superior Court Criminal Rules:

327	TITLE	JULY 1, 1973	NO
		AUGUST 1, 1992	NO
329	1.5	SEPTEMBER 1, 1990	NO
330	2.1	JULY 1, 1984	NO
332	3.1	SEPTEMBER 1, 1986	NO
335	3.2	JULY 1, 1976	NO
		SEPTEMBER 1, 1983	NO
		SEPTEMBER 1, 1986	NO
		SEPTEMBER 1, 1991	NO
335	3.2A	JULY 1, 1992	NO
335	3.2B	AUGUST 1, 1980	NO
		JULY 1, 1992	NO
338	3.3	MAY 21, 1976	NO
		NOVEMBER 17, 1978	NO
		AUGUST 1, 1980	NO
		SEPTEMBER 1, 1986	NO
		NOVEMBER 29, 1991	NO
339	3.6	MAY 15, 1978	NO
342	4.2	SEPTEMBER 1, 1983	NO

PAGE NO	RULE NO	DATES	LEGISLATURE IN SESSION?
		JULY 1, 1984	NO
		SEPTEMBER 1, 1986	NO
		SEPTEMBER 1, 1991	NO
343	4.3	SEPTEMBER 1, 1986	NO
343	4.4	DECEMBER 28, 1990	NO
346	4.6	SEPTEMBER 1, 1983	NO
348	4.7	SEPTEMBER 1, 1986	NO
348	4.9	SEPTEMBER 1, 1983	NO
350	6.2	JULY 1, 1974	NO
		SEPTEMBER 1, 1984	NO
351	6.5	SEPTEMBER 1, 1989	NO
		APRIL 20, 1990	NO
351	6.6	SEPTEMBER 20, 1976	NO
		SEPTEMBER 1, 1983	NO
352	6.12	JANUARY 1, 1975	NO
		APRIL 2, 1979	YES
		SEPTEMBER 1, 1991	NO
352	6.13	JANUARY 1, 1975	NO
		JANUARY 1, 1976	NO
354	7.1	JULY 1, 1984	NO
		SEPTEMBER 1, 1986	NO
355	7.2	JULY 1, 1984	NO
		SEPTEMBER 1, 1986	NO
		SEPTEMBER 1, 1991	NO
355	7.3	JULY 1, 1984	NO
355	7.4	JULY 1, 1976	NO
		SEPTEMBER 1, 1984	NO
355	7.4	SEPTEMBER 1, 1991	NO
356	7.6	SEPTEMBER 1, 1984	NO
356	7.7	JULY 1, 1976	NO
357	7.8	SEPTEMBER 1, 1986	NO
		SEPTEMBER 1, 1991	NO

Superior Court Mental Proceedings Rules:
(OMITTED - IRRELEVANT TO THIS CASE)

Juvenile Court Rules:
(OMITTED - IRRELEVANT TO THIS CASE)

Rules for Courts of Limited Jurisdiction:
(OMITTED - IRRELEVANT TO THIS CASE)

Local Rules of the Superior Court for

PAGE NO	RULE NO	DATES	LEGISLATURE IN SESSION?
King County:			
541	TITLE	SEPTEMBER 1, 1974	NO
		SEPTEMBER 1, 1992	NO
545	FWD	SEPTEMBER 1, 1986	NO
545	0.1	SEPTEMBER 1, 1986	NO
546	0.2	SEPTEMBER 1, 1986	NO
546	0.3	SEPTEMBER 1, 1986	NO
547	0.4	SEPTEMBER 1, 1986	NO
547	0.5	SEPTEMBER 1, 1986	NO
548	0.6	SEPTEMBER 1, 1986	NO
548	0.6	JULY 20, 1990	NO
548	0.7	SEPTEMBER 1, 1986	NO
549	0.8	SEPTEMBER 1, 1986	NO
549	0.8	SEPTEMBER 3, 1990	NO
549	0.9	SEPTEMBER 1, 1986	NO
549	0.10	SEPTEMBER 1, 1986	NO
549	0.11	SEPTEMBER 1, 1986	NO
549	0.12	SEPTEMBER 1, 1986	NO
549	0.13	SEPTEMBER 1, 1986	NO
549	0.14	SEPTEMBER 1, 1986	NO
549	0.15	SEPTEMBER 1, 1986	NO
552	4	JANUARY 1, 1990	NO
552	4	SEPTEMBER 1, 1992	NO
556	6	SEPTEMBER 1, 1992	NO
558	9	SEPTEMBER 1, 1984	NO
		MAY 1, 1988	NO
		SEPTEMBER 1, 1992	NO
559	12	JANUARY 1, 1990	NO
		SEPTEMBER 1, 1992	NO
561	16	SEPTEMBER 1, 1977	NO
		SEPTEMBER 1, 1981	NO
		JANUARY 1, 1990	NO
		SEPTEMBER 1, 1992	NO
561	16.1	JANUARY 1, 1990	NO
561	16.1	SEPTEMBER 1, 1992	NO
564	26	JANUARY 1, 1990	NO
564	26	SEPTEMBER 1, 1992	NO
564	33	SEPTEMBER 1, 1984	NO
564	33	SEPTEMBER 1, 1992	NO
565	34	SEPTEMBER 1, 1977	NO
565	34	SEPTEMBER 1, 1984	NO
565	34	SEPTEMBER 1, 1992	NO

PAGE NO	RULE NO	DATES	LEGISLATURE IN SESSION?
565	36	SEPTEMBER 1, 1984	NO
565	36	SEPTEMBER 1, 1992	NO
565	37	JANUARY 1, 1983	NO
565	37	SEPTEMBER 1, 1986	NO
565	37	JANUARY 1, 1990	NO
565	37	SEPTEMBER 1, 1992	NO
566	38	JANUARY 1, 1990	NO
566	38	SEPTEMBER 1, 1992	NO
569	42	SEPTEMBER 1, 1977	NO
569	42	SEPTEMBER 1, 1978	NO
569	42	SEPTEMBER 1, 1980	NO
569	42	JANUARY 1, 1983	NO
569	42	SEPTEMBER 1, 1984	NO
569	42	DECEMBER 1, 1988	NO
569	42	JANUARY 1, 1990	NO
569	42	SEPTEMBER 1, 1992	NO
569	43	SEPTEMBER 1, 1984	NO
570	47	MARCH 1, 1989	NO
571	54	SEPTEMBER 1, 1984	NO
573	57	SEPTEMBER 1, 1983	NO
		SEPTEMBER 1, 1984	NO
		MAY 1, 1988	NO
573	57	JANUARY 1, 1990	NO
573	57	SEPTEMBER 1, 1992	NO
574	69	SEPTEMBER 1, 1984	NO
575	77	SEPTEMBER 1, 1986	NO
577	80	SEPTEMBER 1, 1989	NO
578	86	SEPTEMBER 1, 1976	NO
578	86	AUGUST 2, 1976	NO
579	93.04	SEPTEMBER 20, 1990	NO
582	94.04	SEPTEMBER 1, 1978	NO
		SEPTEMBER 1, 1981	NO
		JULY 17, 1985	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1986	NO
		MAY 1, 1988	NO
		DECEMBER 1, 1988	NO
		JANUARY 1, 1990	NO
		SEPTEMBER 1, 1990	NO
582	94.04	SEPTEMBER 1, 1992	NO
583	98.04	SEPTEMBER 1, 1984	NO
583	98.16	SEPTEMBER 1, 1984	NO
583	98.20	SEPTEMBER 20, 1990	NO

PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
584	3.2	SEPTEMBER 1, 1992	NO
585	2.4	SEPTEMBER 1, 1983	NO
585	3.7	SEPTEMBER 1, 1983	NO
585	3.8	SEPTEMBER 1, 1983	NO
586	3.10	SEPTEMBER 1, 1983	NO
586	3.11	SEPTEMBER 1, 1983	NO
586	3.12	SEPTEMBER 1, 1983	NO
586	6.6	SEPTEMBER 1, 1983	NO
587	7.3	SEPTEMBER 1, 1983	NO
587	7.4	SEPTEMBER 1, 1983	NO
587	7.6	SEPTEMBER 1, 1981	NO
587	7.6	SEPTEMBER 1, 1983	NO
587	7.8	SEPTEMBER 1, 1983	NO
587	7.11	SEPTEMBER 1, 1983	NO
588	7.12	SEPTEMBER 1, 1981	NO
588	7.12	SEPTEMBER 1, 1983	NO
588	7.14	SEPTEMBER 1, 1983	NO
588	1.1	JUNE 10, 1982	NO
589	2.1	SEPTEMBER 1, 1981	NO
589	2.1	JUNE 10, 1982	NO
589	2.1	JANUARY 1, 1990	NO
589	2.1	SEPTEMBER 1, 1992	NO
589	2.2	SEPTEMBER 1, 1981	NO
590	3.2	JANUARY 1, 1990	NO
590	3.2	SEPTEMBER 1, 1992	NO
590	4.2	SEPTEMBER 1, 1981	NO
590	4.3	JANUARY 1, 1990	NO
590	4.3	SEPTEMBER 1, 1992	NO
593	7.3	SEPTEMBER 1, 1981	NO
594	1.1	SEPTEMBER 1, 1987	NO
594	1.2	SEPTEMBER 1, 1987	NO
595	2.2	SEPTEMBER 1, 1987	NO
595	2.4	SEPTEMBER 1, 1987	NO
595	2.6	SEPTEMBER 1, 1987	NO
596	3.1	SEPTEMBER 1, 1989	NO
596	3.2	SEPTEMBER 1, 1987	NO
596	6.5	SEPTEMBER 1, 1987	NO
596	8.2	SEPTEMBER 1, 1987	NO
596	8.3	SEPTEMBER 1, 1987	NO
596	9.1	SEPTEMBER 1, 1987	NO
597	9.2	SEPTEMBER 1, 1987	NO
597	10.1	SEPTEMBER 1, 1987	NO
597	10.2	SEPTEMBER 1, 1987	NO

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PAGE NO	RULE NO	DATES	LEGISLATURE IN SESSION?
597	10.2	SEPTEMBER 1, 1989	NO
597	11.5	SEPTEMBER 1, 1987	NO
597	12.1	SEPTEMBER 1, 1987	NO

Appendix 30

The Washington Supreme Court held that a Spouse's acquisition after separation without a formal agreement was separate property. Togliatti v. Robertson, 29 Wn.2d 844 (1948).

Appendix 31

Separate and Community Property

A. Separate and Apart

Washington is a community property state which makes the earnings and accumulations of a husband and wife community property of the marriage. Washington Statute RCW 26.16.140, however, distinguishes a spouses's accumulations if the husband and wife are living apart.

26.16.140 Earnings and accumulations of husband and wife living apart, minor children

When a husband and wife are living separate and apart, their respective earnings and

> accumulations shall be the separate property of each. The earnings and accumulations of minor children shall be the separate property of the spouse who has their custody, or if no custody award has been made, then the separate property of the spouse with whom said children are living.

The Washington Supreme Court held that a spouse's acquisition after separation without a formal agreement was separate property. Togliatti v. Robertson, 29 Wn.2d 844 (1948).

Appendix 32 Washington Court Rules

Rules for Superior Court

RULE 60. RELIEF FROM JUDMENT OR ORDER

(a) ...

(b)Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

(1) Mistakes,...

(2) For erroneous proceedings ...

(3) Newly discovered evidence ...

(4) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(5) The judgment is void;

...

The motion shall be made within a

reasonable time and for reasons (1), (2), or (3) not more than 1 year after the judgment, order, or proceeding was entered or taken. If the party entitled to relief is a minor or a person of unsound mind, the motion shall be made within 1 year after the disability ceases.

Appendix 33

Attorney fraudulently extorted and King County Superior Court's Mis-Allocation of Petitioners Post-Separation Separately Acquired Assets:

1. Silver Boullion

   800 oz @ $6.00/ oz $4,800.00

2. Gold Boullion

   144 oz @ $370/oz $53,289.00

3. Certificate of Deposit ...$40,000.00

4. Monthly Retirement Benefits

   Investment equivalent at 5%/yr

   $800/month x 12 = $9,600.00

   $9,600.00 /.05 =.....$192,000.00

5. Mis-appropriation of

   housekeeping funds .....$ 80,000.00

6. Housekeeping funds given to ex-wives et al of Respondent's empoyer/ lover .....$ 16,000.00

7. Post-separation separate and community obligations owed by ex-wife to Petitioner but not paid $120,000.00

TOTAL $506,080.00

Appendix 34

SUPERIOR COURT, STATE OF WASHINGTON, FOR KING COUNTY

In Re the Marriage of)		
BILLIE G. ROKKE,	)	No. (88-3-04007-2)
Petitioner,	)	
and	)	PETITION FOR
DONSLS L. ROKKE,	)	DISSOLUTION
Respondent.	)	OF MARRIAGE

COMES NOW the Petitioner and rspectfully petitions the Court for a Dissolution of marriage as follows:

1. JURISDICTION AND MARRIAGE: ...

2. MARRIAGE: ...

3. SEPARATION: The parties separated in September of 1971, and the marriage of the parties is irretrievably broken.

4. .....

....

5. COMMUNITY PROPERTY AND

OBLIGATIONS: There is community property from this marriage and the Petitioner requests the Court make a just and equitable distribution of the property. There are also community obligations and the Petitioner request that the Court make a just and equitable determination as to which party is to be responsible for payment of same as they come due.

6. SEPARATE OBLIGATIONS: Each party should be responsible for his or her own separate debts incurred by them after date of separation of the parties.

....

....

DATED this 25th day of May, 1988.

(Signed by undecipherable)

ALAN M. SINGER

Attorney for Petitioner

STATE OF WASHINGTON) ss.

County of King)

BILLIE G. ROKKE, being first duly sworn, upon oath, deposes and states: That she is the Petitoner herein; that she has read the foregoing Petition for Dissolutionof Marriage, knows the contents thereof and believes the same to be true.

(Signed by Billie G. Rokke)

SUBSCRIBED AND SWORN to before me ...

Appendix 35

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

In Re the Marriage of:	)	
BILLIE G. ROKKE,	)	No. 88-3-04007-2
Petitioner,	)	
and	)	Decree of
DONALD L. ROKKE,	)	Dissolution
Respondent.	)	

THIS MATTER having come on ....

.....

.....

VIII.

OBLIGATIONS

Each party shall be responsible and shall assume and pay and hold the other

harmless for any obligations that were incurred by either respective party from March 1971 to the present time.

.....

.....

DONE IN OPEN COURT this 28th day of December, 1988.

(Signed unintelligable)

JUDGE

....

....

Approved as to Form; Notice of Presentation Waived by

(Signed by Billie G. Rokke)

Appendix 36

DIVISION I OF THE WASINGTON STATE

COURT OF APPEALS

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY: FAMILY LAW COURT

In Re the Marriage of	)	
	)	
BILLIE G. ROKKE,	)	No. 30135-7-I
Respondent,	)	(88-3-04007-2)
	)	NARRATIVE AND
and	)	VERBATIM REPORT
	)	OF PROCEEDINGS
DONALD L. ROKKE,	)	
Appellant.	)	

NARRATIVE AND VERBATIM REPORT OF KING COUNTY FAMILY LAW COURT PROCEEDINGS

RELEVANT TO THIS APPEAL

.....

DECLARATION

DONALD LEIF ROKKE, on the 6th day of May 1992, in the County of King, State of Washington, hereby declares as follows:

....

....

Commissioner Allison said something to the effect that she had not read a majority of the motions and other paperwork that Mr. Rokke had submitted in the form of working papers to the Family Law Court but that she was prepared to rule on the ocntinued contempt of court motion that was before her.

Commissioner Allison Stated: That the Respondent, Donald L. Rokke is found in Contempt of Court for failure to make the designated payments per the 28 December 1988 Decree. .....

.....

.....

I declare the above is true, to the best of my recall and records available to me, under the penalty of perjury according to the Laws of the State of Washington.

Date Signed: 6 May 1992

(Signed by Donald Leif Rokke, Pro Se)

DONALD LEIF ROKKE, Pro Se

Respondent/Appellant